United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, JULY 22, 2005 No. 101

Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Percell Church, Jr., of the Zion United Methodist Church in North Las Vegas, NV.

PRAYER

The guest Chaplain offered the following prayer:

May we bow with humility in prayer.

Eternal and Everlasting God, we approach You today with reverence, sincerity, and hope, knowing that You are our source and strength in this world. Your sovereign hand continues to create opportunity while the almighty wind of Your spirit propels us into our destiny. It is You who has made us in Your image and for Your pleasure, and for that alone we are grateful and thankful.

We acknowledge and center ourselves in this time of prayer that though we are living in the heat of calamity, You are the calm that cools, cares, and constructs a divine citadel. It is through the sagacity of Your spirit we are ushered into a place where we experience the forgiving nature of a true and loving Lord. And yet, with intentionality and precision, You cause those things which have made us stumble to somehow sustain, support, and strengthen our faith in You.

Lord God, we ask a special blessing for our Senators. You have ordained this group of ''servants of the people'' to lead our Nation and bless our world. As they live out the course of their tenure, please continue to bless their families and respectful constituencies.

It is in Your Name, power, and glory we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Madam President, this morning, we will resume debate on the Defense authorization bill. Chairman WARNER is here, and Senator LEVIN just walked into the Chamber. He is here as well. They will be here to manage the bill this morning. Senators are expected to come over and offer several amendments. Although no rollcalls will occur today, the managers will be able to accept amendments which have been cleared on both sides of the aisle.

We will file a cloture motion today, which will be ready for a vote on Tuesday. This will allow us to finish the bill next week. If we invoke cloture, Senators will still be able to offer their amendments, and we would still be ensured we could proceed to passage sometime before the August recess.

As the majority leader has repeated, we have a number of items to consider over these last days prior to our departure for the month of August. I will say more on next week's schedule at closing, but Senators should be ready for a long week next week. I do not believe anyone should be preparing for any early departures, and that includes next Friday.

I remind our colleagues we will be voting Monday evening. We have not yet set any votes at that time. However, we do expect a vote or votes to occur on Monday.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

WELCOMING OUR GUEST CHAPLAIN

Mr. REID. Madam President, it is a pleasure for me to be here this morning to recognize Dr. Percell Church. As has been indicated by the Chair, he is the leader of the Zion United Methodist Church in Las Vegas.

When he came to Las Vegas a short time ago, in relative terms, he had some very big shoes to fill. The Zion United Methodist Church had been operated, pastored, by one of Nevada's very famous residents, Marion Bennett, who had served with great distinction

in the Nevada State legislature and led this very large church.

So when Dr. Church came to run the church, we were all anticipating the tremendously large shoes he had to fill. And it is easy for me to say that he has done it with distinction, honor, and class.

Dr. Church is a native of New Orleans, LA, where he earned a bachelor of science degree from Southern University. He later earned his master of divinity from Gammon Theological Seminary in Atlanta, GA, and received his doctor of ministry from Oxford University.

Serving in the ministry for more than 20 years, this young man, Dr. Church, has been a guest speaker at countless churches around the world. He has ministered in India, Nigeria, the Bahamas.

He is leading the revival and growth of the Zion United Methodist Church. He hosts a daycare center servicing working parents in the Las Vegas area. He has established a remarkable youth ministry, the purpose of which is to get young adults involved in the church and the community. That has been successful.

He is also a loving husband to his wife Angela, and a loving father to his three sons, Daniel, Ephraim, and Immanuel. They are with us today.

I commend Dr. Church for his leadership and wish him well in his ministry and his continued service to humanity. What a great addition to the State of Nevada has been Dr. Percell Church. I am proud to be able to say he is my friend, and I look forward to his continued spiritual guidance to the people of Zion United Methodist Church and the people of the State of Nevada.

DEFENSE AUTHORIZATION

Mr. REID. Madam President, changing direction here a little bit, I say to Dr. Church, and others, I want to take up where we left off last night. I have thought about what status we are in here today. It is so disheartening to me. We took up this bill, this very important Defense authorization bill, Wednesday, very late in the day. Statements were given by the two managers.

We came to do our work yesterday, and we worked hard, and we were suddenly struck with the suggestion—we thought it was just some of the rumors that happen around here in the Senate that could not be valid. I called the majority leader: You are not going to file cloture on the Defense authorization bill after 1 day of debate, are you? And he said: Yes. I said: Well, Bill, I am going to go to the floor and complain about that because that is wrong.

Now, let me say, Madam President, on this issue I do not agree with a number of my Senators, but the thing he wants to take up next is an NRA bill, a bill dealing with gun liability. Fine. But at the expense of the defense of this country? What are we coming to around here? What are we coming to here? After 1 day of debate we are getting off to do gun liability? We can do that in September when we come back here, or finish this bill.

I want the American public to know what is happening. My dear friend, the senior Senator from Virginia, got up yesterday and, in his gentlemanly way, said: Well, it is my fault. It is not his fault. Let's be realistic about it. He does not determine when cloture motions are filed. It is done by the Republican leadership in this Senate. To think we are moving off of this bill after 1 full day of debate, and cloture is filed, should be an embarrassment to this leadership that is leading this Senate.

I attended a funeral on the Saturday I came back here a couple weeks ago in Boulder City, NV. A 21-year-old man was killed in service to our country. He was a Navy SEAL named Shane Patton. The SEALs are a very small, elite group. His commander there at that funeral cried because he had lost one of his men. I think we owe more to Shane and his family—his father was also a frogman, as they are called, Jim Patton.

The distinguished ranking member will today go over how much time we have spent on these Defense bills in years past. I guarantee you, it has been more than 1 day of full debate. People are going to say: Well, we are here on Friday.

We don't dispose of anything here today. We will offer some amendments. We will have no votes. We will vote late Monday, a few hours before cloture will be voted on.

Madam President, I don't know if I can deliver, but I am going to try. I am going to try to deliver my Democratic Senators to oppose cloture. See, I have been around here a little bit. I understand the games that are being played. The Republican leader wants to blame us for not having the Defense bill go forward. Well, I want the record to be spread, it is not us. It is them. I am going to do everything within my power to stop cloture from being invoked on this bill. We deserve better than this. Shane Patton deserves more than this. In his memory, we deserve more than 1 day of debate—a 21-year-old man, dead.

We have had one recorded vote on this bill. We could have had more, but we had to stop voting yesterday early. We have offered four amendments on this side. If cloture is invoked, Members of this body will be denied the opportunity to debate and vote on major issues.

What kind of major issues? Well, such as ensuring that our troops, active and retired, get the pay and benefits they have earned. No time to debate our course in Iraq. I don't know if I am being a little too political here, but let's think about this a little bit. We are spending about $2 billion a week in Iraq—$2 billion a week in Iraq. I wonder, as to just that alone, should we spend more than 1 day here in the Senate on this bill? Two billion dollars a week.

I wonder if there should be a little debate here on a Defense authorization bill about what is going on in Iraq.

What about the fact that we need to spend a little time talking about the spread of weapons of mass destruction? A report was issued on Tuesday, led by former Defense Secretary Perry, that we have a lot of loose nukes, that the real problem we have in this country, as far as our security goes, is what to do about these loose nukes. I think that deserves a little bit of time. Should we spend a little bit of time addressing the detainee abuse scandal? I think that would be a good idea. We can't do this unless we have time to debate issues and have some votes. The Defense authorization bill in years past hasn't taken days; it has taken weeks to complete. No one is trying to slow up things. I support gun manufacturers liability legislation. JACK REED who doesn't like it, but I have kept him advised every step of the way. I support that legislation, but not at the expense of Shane Patton.

If cloture is not invoked, does that mean the leader, who has the right to pull this bill off the floor, will pull it off and go to gun liability and forget the promise he made to the Hawaiian Senators, a promise that he made that we would do native Hawaiian legislation?

The move that is taking place in the Senate regarding the defense of our country is unprecedented. The Armed Services Committee keeps records back to 1987. These records are thorough and highly accurate. During that period, approximately the last 18 years, no majority leader has filed cloture on the Defense authorization bill after so little time and so little action. Doing so now during a time of war, when more than 200,000 of our troops are in harm's way looking for our support, would be as disturbing as it is unprecedented.

As it stands now, if the majority leader proceeds with this motion, it is entirely possible that the Senate will vote to cut off debate on this legislation before we will have a single vote on a Democratic amendment—a single vote. Let me repeat, it is possible we will have voted to cut off debate before we have voted on a single Democratic amendment. We can go back before 1987. I can't believe anything like that has ever happened.

If this cloture motion is successful, those who support it are sending one message—they do not believe the Senate should debate the important national security issues that are very much on the minds of our troops, their families, and the American people. At the same time, the majority leader has apparently concluded we should cut off debate on this critical legislation after less than 3 days, only one of which is a real day—around here we don't do anything on Fridays and Mondays. We travel. We go around raising money. We don't have votes. We are down to a

2½-day workweek here. But we could spend more than a month, more than 30 days on five judges, every one of which had a job. A third of our time in the Senate has been spent on five people, all of whom had jobs.

The majority leader's decision raises an important question. Why would we prematurely cut off debate on critical national security legislation? Why would we want to prevent the Senate from doing everything we can to help our men and women in uniform? The Senator from Michigan and the Senator from Virginia are role models for how to work together on legislation. He has some ideas that he wants to try to improve this bill. There are other Members who have amendments that are waiting. The Senator from Massachusetts has some ideas on how he wants to try to improve this legislation. But unfortunately, the answer to these questions is very familiar. Rather than address the concerns on the minds of the American people, our Republican colleagues are once again insisting the Senate focus its time on less important business. Earlier this year, we put judges ahead of health care, retirement security, education. Now they are apparently willing to put gun liability—and I have heard now estate tax—ahead of the needs of our troops.

Frankly, this action is not in keeping with the spirit in which this bill came to the Senate floor. To this point the process has been completely bipartisan. I should say nonpartisan. As I have already said, the chairman and ranking member, as well as the other Republicans and Democrats on the Armed Services Committee, worked together to see that our security needs were addressed. Republicans and Democrats even on the committee, after reporting the bill out, said: We have a few things we would like to a try to address to the whole Senate to see if we can make the whole bill better.

The chairman welcomed input from Members on both sides of the aisle, as did the ranking member. He made no attempt to prevent Members from addressing critical issues or cut off debate, and he should be lauded for the course he chose. The majority leader should follow his example.

We want to pass this bill. We want to pass it before we go home for the August recess. That is why, for the past 2 months, I have been on this floor urging us to move to this bill. But, no, we couldn't because we were tied up with judges, the nuclear option. We were happy when he finally brought it to the floor 2 days ago. But little did we know it was apparently just an effort to get another thing off the shelf. We are here, ready to debate the numerous important issues raised by the legislation. We won't be able to do that.

I hope the Republican leadership will reconsider this action. Let us get back to work on this important bill. I repeat: We are going to oppose cloture, and that is the only thing we can do, in my mind, to make sure that Shane Patton and the other approximately 2,000 men and women who have been killed in Iraq and the scores who have been killed in Afghanistan will have at least the attention of the Senate for a few days.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I listened carefully to my good friend from Nevada, the Democratic leader. I don't want to unduly prolong the discussion because Chairman WARNER and Ranking Member LEVIN are here to do business on the bill. The more the Democratic leader and myself talk, the less able they are to offer amendments and move forward with the bill.

I would say this, however. I don't know that it is written on some tablet somewhere that we need to spend multiple weeks on a DOD authorization bill, particularly in a time of war. We turned to this bill last Wednesday night. That is Wednesday night, Thursday, Friday, Monday, and Tuesday before the cloture vote would ripen. During all of that time, Senators could offer nongermane amendments. And then if cloture is invoked, there are 30 additional hours for amendments to be offered that are germane to the Defense bill. I don't think there is any particular reason why the Senate ought not to, particularly in a time of war, do this bill in a more expeditious manner and allow us to also complete other matters before the Senate, one of which the Democratic leader just pointed out he is in favor of, before we leave next week. We are open for business this morning. Chairman WARNER and Senator LEVIN are here. Others are here who want to offer amendments. We encourage that. That is why we are in session today.

My suggestion to all of us is that we move forward with the business that is before the Senate this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. Madam President, I don't need to get the last word, but I have to get make sure the facts are spread across this Senate. Let's not be misled. Wednesday, opening statements; Thursday, one amendment voted on; Friday, nothing voted on; Monday, nothing voted on. I guess we will vote Monday night sometime. Tuesday, please help me on that, we ought to vote this Tuesday morning. And then to talk about 30 hours afterwards, that is one of the biggest farces we have around here. If you are lucky, you can have a vote or two during the 30 hours, but remember, there is no necessity to have a vote on anything. It is all up to the majority what they let us vote on.

In a time of war, does that mean we speed through this? I would think that we should take an inordinate amount of time, lots of time, when we are in a state of war. And we are in a state of war. Just ask the people of Great Britain.

I am glad we are here to do business today. The managers are here. Senator KENNEDY is here to offer an amendment. But especially in a time of war, let's at least do the average amount of debate on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I don't want to prolong it any further because we are taking up time for the offering of amendments which we encourage. We are anxious to have amendments. We are willing to have votes. We are not trying to deny anybody the opportunity to offer their amendment or to have votes. That is why the chairman and ranking member are here today. I see Senator WARNER is ready to do business.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Frist amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Inhofe amendment No. 1311, to protect the economic and energy security of the United States.

Inhofe/Collins amendment No. 1312, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

Inhofe/Kyl amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Lautenberg amendment No. 1351, to stop corporations from financing terrorism.

Ensign amendment No. 1374, to require a report on the use of riot control agents.

Ensign amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council.

Collins amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act.

Durbin amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events.

Hutchison/Nelson (FL) amendment No. 1357, to express the sense of the Senate with regard to manned space flight.

Thune amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I was present last night. We had a colloquy among ourselves not unlike what took place today. The Republican leader, Senator FRIST, entrusted me with the management of this bill. It was my decision with regard to the votes. It was my decision that we file a cloture motion. I accept full responsibility for those decisions. I am proud of the way we operate on this side, where our leadership reposes in their managers those responsibilities; I accept them. If, in due course, it proves to be in error, I accept that responsibility. But I do believe, based on some 27 years of experience managing this bill, that we can achieve the opportunity for all Senators to have their amendments heard and voted upon in a timely manner.

The matter of cloture, as it ripens on Tuesday, can be addressed by the leadership, in consultation with the managers, and a determination made as to whether it should or should not be invoked. I think that decision, in large measure, would be dependent on what we can achieve between now and Tuesday.

I look upon this in a very positive way. I have confidence in this institution, confidence in the managers of this bill to see that it is done in a fair and proper manner and done in the best interests certainly of the men and women of the Armed Forces.

I yield the floor.

Mr. LEVIN. I wonder if the Senator will yield. For about 1 minute, I will go back to the history, and I will not go through it all. Last year, we spent 7 days on this bill. The 1st filing of cloture was on the 11th day of debate, after considering 42 amendments. The 2nd filing of cloture was on the 15th day of debate. I think it is totally inappropriate to file cloture today.

I have no better friend in this body than the Senator from Virginia. I was glad to hear what he basically just said, which is that he is going to take a close look at where we are before this vote takes place. He has always been openminded. I hope he will reconsider this cloture motion. We are going to make progress today, even though there are no votes.

It is difficult for Senators. Senator KENNEDY is going to be offering a very important amendment in a few moments, but the vote on that is not going to take place until probably after the cloture because we have so many amendments that are stacked up here. He deserves better and, more importantly, the subject matter of the amendment deserves better than to be debated on a Friday and then laid aside and not voted on until many days later. Traditionally, we try to vote on amendments after they are debated—shortly after, not days and days after they are debated.

We are going to accommodate the demands of the schedule by trying to offer a lot of amendments today and on Monday in order to see if we can show enough progress here so that the motion for cloture will be vitiated. That is our hope. I hope the Senator from Virginia will do what he always does so magnificently, which is maintain an open mind, keep options open, and see what kind of progress can be made to avoid a divisive vote. It is inappropriate to have a cloture vote this soon after the debate begins.

I yield the floor.

Mr. WARNER. Mr. President, just to finish, I have a practice of not bringing up personal situations, and I am still going to refrain. If continued to be pushed on this issue, I will recount several things that occurred yesterday where I tried to accommodate interests on that side of the aisle, and when it is said that not a Democratic vote was taken, I know of one vote where I pleaded that it be made, found the time, but the sponsors decided—and it was a joint amendment with a Republican and a Democrat—not to do that.

I am not going to get involved in personal situations, but there is a limit to the patience of the Senator from Virginia. On this matter by Mr. KENNEDY, I respect my good friend. Our friendship goes back as long as any two Members in this Chamber. This amendment is an important amendment, there is no question about it. But I ask the Senator from Michigan, was not the same amendment voted on by the Senate 3 weeks ago?

Mr. LEVIN. We will have to wait and see the precise nature of the amendment.

Mr. WARNER. It is very similar, if not identical.

Mr. LEVIN. I commend my friend from Virginia for his temperament, his ability to withhold any suggestion of personal comment. He is to be commended. He is literally a role model for that. The Senator from Virginia is correct. He showed great care for the Members of this body yesterday, gave great consideration to the Members, and I commend him for that.

Mr. WARNER. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

AMENDMENT NO. 1415

Mr. KENNEDY. Madam President, I join the ranking member of the Armed Services Committee, Senator LEVIN, in paying tribute to the Armed Services Committee. I have been lucky enough to be on that committee now for 24 years. I must say that all of us have the highest regard and respect for the Senator from Virginia, the chairman of the committee. There has never been a time that he has not been courteous and diligent and thoughtful and considerate for those who have differing views that come up before the committee.

I understand the remarks by the Senator from Michigan and also our leader, Senator REID; and although our friend takes the responsibility, we have been around here long enough to know that the overall schedule and timetable is made by the majority leader, with all due respect. He has the responsibility, obviously, for the Senate and the Senate agenda.

The part which is of concern is this, and I will mention this briefly. When we have cloture, we find out that many amendments that are related and are enormously important in terms of the subject matter, which is the Defense authorization bill, are effectively eliminated.

I took a quick look at some of the amendments that have been filed to date. We have a Stabenow amendment to fully fund health care for veterans. Nobody could watch the news last night and not understand the challenge our veterans are having in getting coverage and being treated well. That is true in my State, and the Nation was alerted again. We have had some debate on that issue. It is an issue of enormous importance. We make a commitment to those young men and women who volunteer and fight in our wars that they are going to have their needs attended to when they come back. They are not being attended to.

The Senator from Michigan, Ms. STABENOW, has an amendment that probably would not be eligible after cloture. It is on pay equity for reservists who are being deployed. We have so many being deployed over in Iraq, and it is an important amendment to make sure they are to be compensated. It is very important in terms of morale and, most of all, in terms of fairness for the reservists.

Then there is reform of the Pentagon procurement, with all of the kinds of challenges we have seen on the purchasing of the humvee. We reviewed that last night once again. An article that was written in the New York Times and the purchase conflict between the services, the lack of priority that was given really as a result of a failure of our procurement policies, we can do something about that, but we are not going to do something about it if we have cloture. Then there is the limitation of profits on defense contractors. We don't have to take a lot of time on that issue, but I think the American taxpayer, when they see hundreds of millions in windfall profits going to so many defense contractors, would have to say that spending a few moments on that to make sure, for example, the allegations that our troops are going to get the food they deserve and need on time and not be given second-level food is something that ought to be debated.

My amendment with Senator FEINSTEIN and Senator KERRY on bunker busters relates to the whole issue of nuclear proliferation and stability. We probably would not be eligible to bring that up. There have been important issues on funding for the cooperative threat reduction, which is so important in terms of the nuclear proliferation, with the very important and impressive study released this last week.

Those give you a little bit of a flavor, and they are related to national security and defense. We are told we don't have time for that. I have been here when we spent 2 full weeks debating bankruptcy and for the credit card companies. The result of the bankruptcy bill we passed here means the profits for the credit card companies are going up $5.6 billion this next year. We spent 2 weeks on that issue that will benefit special interests. We spent more than a week on class action, which will benefit very special interests. We spent more than a week on highways. If you can spend more than a week on highways and you can look after the credit card companies and you can look after the major financial interests in class action, surely we can debate these issues that are related to the security and well-being of the troops of this country.

That is the point. I believe it is irrefutable myself. We were told last night, well, we had heard that Senator LEVIN, Senator REID, and others might propose a commission to look into the whole question of the torture policies that have taken place at Abu Ghraib. We had 12 different studies done by the Armed Services Committee, and we still don't have anybody in the civilian areas that has been held accountable, even though they were the architects of the torture policy. This has given us a black eye all over the world. It has been an incentive, and it is inflaming al-Qaida. It has been a recruiting tool used in order to gather more recruits for al-Qaida.

It had been suggested that we have an independent commission review that. And then guess what happened. Within a matter of hours, the White House says, If that amendment is accepted, I will veto the bill that is developing with Defense authorization. Imagine that. The President will veto the bill if that amendment is accepted. He will veto the bill that provides the resources for our fighting men and women if we are going to have an independent kind of review about how we got into all of this trouble in terms of torture and inflaming al-Qaida because of those activities. They are going to veto the bill. Therefore, we are going to have cloture.

We don't have to be around here for a number of years to understand what is happening. That is just plain wrong, Mr. President. It is just plain wrong. It is not the way this body ought to be doing business. These issues are too important. People are ready to debate them.

We had the amendment that I have here, which is very similar to the amendment Senator FEINSTEIN and I offered earlier on another appropriations bill. It is a matter of enormous importance in terms of the issue of nuclear proliferation.

There is an excellent study this last week about the worst weapons in the worst hands. The National Security Advisory Group is chaired by Willian Perry, former Secretary of Defense, and is made up of an extraordinary group of men and women who have spent their lives in terms of national security and defense and talking about the dangers of increased nuclear weapons. Well, we have now in this bill the design for new nuclear weapons. They will say: No, we don't, it is only $4.5 million. Look at the Department of Energy's congressional budget, right here on page 63, where cumulatively they are planning to spend a half billion dollars on it. New nuclear weapon? We are looking at a new nuclear weapon in the Defense authorization bill.

Look at the front page here of the New York Times, right up on the top: ''New York Starts to Inspect Bags on the Subways.'' What is the greatest threat to our homeland security, a new nuclear weapon or—here it is—''New York Starts to Inspect Bags on the Subways.'' The second story: Bombs set in London at four sites, failed to explode, no one hurt. And we are going out and building another nuclear weapon.

We welcome the opportunity to address the Senate now on Friday, but this is a matter of enormous importance and consequence. We are told these issues are not as important as freeing the gun industry from liability, a special interest. So we have an NRA check. I know where the votes are on that. We are going to get another special interest check. We have a special interest check for credit cards, a special interest check because of class actions, and we are going to get another one now from the NRA.

We are not going to have the chance for these Senators to be able to debate pay equity for the reserves? Health care for veterans? No. We don't have the time. What is more important to us? I have plans at the end of next week along with everybody else, but what is more important than continuing and finishing this legislation? That is what we are supposed to do as Senators.

Mr. President, when you look over where we spend the time and how we have spent the time, surely these issues that are of such fundamental importance to our national security and to the security of the American people deserve the kind of time our leader and Senator LEVIN have suggested.

For the past 60 years, one of the principal tenets of the American national security policy has been to limit the number of nuclear weapons in the world and to limit the number of countries that possess them.

In 1962, President Kennedy warned that if action weren't taken at that time, there would be 20 nuclear weapon nations by the end of the 1970s. That is what he said in 1962. Because of initiatives he and successive Presidents—Republican and Democrat—took to prevent that, today there are only eight nuclear armed states.

Through careful negotiations, we arrived at the Nuclear Non-Proliferation Treaty, the foundation of all current global nuclear arms control. The nonproliferation treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation doesn't extend to other countries.

I send to the desk an amendment on behalf of myself, the Senator from California, Mrs. FEINSTEIN, and my colleague and friend, the Senator from Massachusetts, Mr. KERRY.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, and Mr. BINGAMAN, proposes an amendment numbered 1415.

Mr. KENNEDY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia, chapter)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. TRANSFER OF FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR TO THE ARMY NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) REDUCTION IN FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR.—The amount authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities by section 3101(a)(1) is hereby reduced by $4,000,000, which reduction shall be allocated to amounts available for the Robust Nuclear Earth Penetrator.

(b) INCREASE IN FUNDS AVAILABLE TO ARMY NATIONAL GUARD, WASHINGTON, DISTRICT OF COLUMBIA, CHAPTER.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by $4,000,000, with the amount of such increase to be available for the Army National Guard of the District of Columbia, as follows:

(1) $2,500,000 shall be made available for urban terrorist attack response training.

(2) $1,500,000 shall be made available for the procurement of communications equipment.

Mr. KENNEDY. Madam President, in that compact of the Nuclear Non-Proliferation Treaty, the foundation of all global nuclear arms control, 184 nations have voluntarily rejected nuclear weapons. These include 40 states, such as Japan, Germany, Sweden, and Singapore, that have the technical infrastructure to build nuclear arsenals if they chose to do so.

In addition, Ukraine, Kazakhstan, Belarus, South Africa, Argentina, Brazil, Taiwan, South Korea, and others have turned away from nuclear weapons because of the NPT and our leadership.

America led the way to a safer world by example. By adhering to these carefully crafted agreements, we were able to discourage the spread of dangerous nuclear weapons that would threaten our security.

However, the Bush administration has abandoned that course. Not only has this White House expressed disdain for decades of nuclear arms control, but it now threatens to launch a new nuclear arms race. As we are discouraging North Korea and Iran from producing nuclear arms—and as we are trying to keep nuclear weapons out of the hands of terrorists—the Bush administration recklessly proposes for the United States to produce a new breed of nuclear weapon. President Bush and Secretary Rumsfeld want to develop a new tactical nuclear weapon that can burrow deep into the earth and destroy bunkers and weapon caches. The new weapon they propose has the chilling title of robust nuclear earth penetrator. They hold the dangerous and misguided belief that our Nation's interests are served by developing what they consider a more easily usable nuclear bomb—more easily usable nuclear bomb. That is just what we need more of today.

Most Americans believe that is wrong. Therefore, the amendment that Senator FEINSTEIN and I offer today will halt this dangerous new policy and redirect the $4 million in funds from the robust nuclear earth penetrator research program to the National Guard for the more urgent task of preventing another terrorist attack on our Nation's capital.

This action is especially warranted in light of the bombings in the London subway. Instead of developing new nukes, we should address the real-world challenges of terrorism that we face right here, right now.

In the end, the administration would like us to buy something we don't need, that endangers us by its mere existence, and that makes our important diplomatic goals much more difficult to achieve.

Our challenge in addressing nuclear nonproliferation issues is not that there are too few nuclear weapons in the world, but that there are too many; not that they are too difficult to use but too easy.

North Korea has recently acquired nuclear weapons and does not hesitate to rattle them. Iran is widely thought to be moving forward on the development of nuclear weapons capability. The increased availability of nuclear technology to other nations is an ominous development, especially when it is difficult to accept at face value their statements that the technology is intended only for peaceful purposes.

What moral authority do we have to ask other nations to give up their desire for nuclear weapons of their own when we are developing a new generation of such weapons of our own? How can we tell other nations not to sell their nuclear technology to others when we are exporting our own technology?

For the past 2 years, Congress has raised major doubts about the bunker-buster program and significantly cut back on its funding. But the administration still presses forward for their development. For fiscal year 2004, they requested $15 million for it, and Congress reluctantly provided half that amount. For 2005, they requested another $27 million and submitted a 5-year request for nearly $500 million, and Congress denied their request.

This year, nothing has changed. The fiscal year 2006 budget request from the President includes $4 million for the Department of Energy to study the bunker buster, and $4.5 million for the Department of Defense for the same purpose. Thankfully, our colleagues in the House were wiser and eliminated the funds.

The administration obviously is still committed to this reckless approach. Secretary Rumsfeld made his position clear in January, when he wrote to Energy Secretary Spencer Abraham:

I think we should request funds in 06 and 07 to complete the study . . . You can count on my support for your efforts to revitalize the nuclear weapons infrastructure and to complete the RNEP study.

The fiscal year 2006 budget requests funds only to complete the feasibility study for these nuclear weapons, but we already know what the next step is. In the budget sent to us last year, the administration stated in plain language that they intend to develop it. Ambassador Linton Brooks, the head of the National Nuclear Security Administration, claims the future budget projection was merely a placeholder ''in the event the President decides to proceed with the development and Congress approves.'' But their fiscal year 2005 budget clearly shows the administration's unmistakable intention to develop and ultimately produce this weapon.

They would like us to believe this is a clean, surgical nuclear weapon. They say it will burrow into underground targets, destroy them with no adverse consequence for the environment. But science says such claims are false.

A National Academy of Sciences April 2005 study confirms exactly what most of us thought: that these nuclear weapons, like other nuclear bombs, result in catastrophic nuclear fallout. They can poison tens of millions of people and create radioactive lands for many years to come.

The study goes on to say:

Current experience and empirical predictions indicate that the earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. To be fully contained, a 300 kiloton weapon would have to be detonated at the bottom of a carefully stemmed emplacement hole about 800 meters deep. Because the practical penetrating depth of an earth penetrating weapon is only a few meters—a small fraction of the depth for the full containment—there will be blast, thermal, initial nuclear radiation, and fallout effects—

From the use of the weapon.

Even if we were willing to accept the catastrophic damage a nuclear explosion would cause, the bunker buster would still not be able to destroy all the buried bunkers the intelligence community has identified.

This chart, based on the data from the National Academy of Sciences, depicts the simulated maximum effect of a 1-megaton earth-penetrating weapon. This massively destructive weapon cannot reach more than 400 meters. All an adversary has to do is bury its bunker below that depth.

Bunker busters also require pinpoint accuracy to hit deeply buried bunkers. But such accuracy requires precise intelligence about the location of the target. As the study emphasized, an attack by a nuclear weapon can be effective in destroying weapons or weapons materials, including nuclear materials and chemical or biological agents, but only if it is detonated in the actual chamber where the weapons or materials are located. Even more disturbing, if the bomb is only slightly off target, the detonation may cause the spread of deadly chemical and germs, in addition to the radioactive fallout.

If it were clear that this weapon were needed to protect our troops, then Congress would probably support it. But that is not the case. At the House Armed Services Committee hearing in March, program chief Linton Brooks once again was asked if there was a military requirement for the bunker buster, and he categorically said:

No, there is not.

This chart shows how important it is that the bunker buster be precise, in terms of targeting, or otherwise it is not going to destroy the target, and the dangers of chemical and nuclear material proliferation are dramatic.

Our military has no need for a nuclear bunker buster. Existing conventional weapons have the ability to neutralize this threat. These charts from the National Academy of Sciences show the types of deeply buried, hardened bunkers the nuclear bunker buster is intended to destroy. All bunkers must have air intakes, energy sources, and entrances. If we can destroy them by conventional means, we have accomplished our purpose.

The administration's effort to build a new class of nuclear weapon is only further evidence of their reckless nuclear policy.

We have studied this issue long enough. It is ridiculous for the administration to try to keep this program going, and it could be suicidal for the Nation and for our troops. While the administration studies a weapon that will never work and may never be used, it has taken its eye off the true danger: terrorists with weapons of mass destruction here at home in our subways and our train stations.

Protecting our Nation should be the administration's No. 1 priority and, sadly, they have not learned that lesson from 9/11. The alarm bell that went

off on September 11, 2001, is still ringing loudly. It rang in London earlier this month and again yesterday. It rang in Madrid last year. And it has been ringing in Turkey, Indonesia, Morocco, Kenya, and elsewhere around the world in the nearly 4 years since the tragedy of 9/11.

In our Nation's Capital, the alarm bell continues to sound, but the administration has been inexcusably slow in heeding its warning.

Our amendment will better protect our Nation's Capital from a terrorist attack. It provides urgently needed funds to the Washington, DC, National Guard to make up for the shortfalls they face in equipment and training.

U.S. officials plainly state that al-Qaida and other terrorist groups are determined to strike the United States again. And we all know that our Nation's Capital is a prime target.

On July 10, Homeland Security Secretary Michael Chertoff said that ''the desire and the capability'' are there for another terrorist attack in America.

The former Deputy Secretary of Homeland Security, ADM James Loy, told the Senate Intelligence Committee on February 16:

> We believe that attacking the homeland remains at the top of al-Qaida's operational priority list . . . We believe that their intent remains strong for attempting another major operation here.

He says:

> The probability of an attack is assessed to be high. . . .

FBI Director Robert Mueller told the Intelligence Committee on February 16:

> The threat posed by international terrorism, and in particular from al-Qaida and related groups, continues to be the gravest we face . . .

Despite these serious and terrifying threats, the DC National Guard, which provides an indispensable role in responding to terrorist attacks, has long received inadequate funding.

In a terrorist attack, the DC National Guard will be mobilized to assist in evacuation efforts, provide security at the attack site, and assist in mass casualty care. Mayor Williams and the city council realize the vulnerability to such attacks and the potentially catastrophic consequences if terrorists attack a train carrying hazardous material.

According to a RAND analysis on terrorism and railroad security, 40 percent of freight being carried from city to city across the country, including half of the Nation's hazardous material, is moved by rail. In 2003 alone, 11,000 railroad cars containing hazardous material passed through Washington, DC.

We believe the administration's position in supporting the development of a new nuclear weapon system is misguided. It is not based on sound science. And there is a recognition that they do not have their priorities straight. We have learned the lesson of this past week, that what we have to do is expand our attention in terms of the homeland security issue. That has to be our focus, and we learned that again this morning in London.

Why the administration insists that they think our national security is going to be enhanced and expanded by building a new system makes no sense at all.

A final point. There are those who will say this is just a study; we ought to be able to study; we ought to be able to study what progress can be developed in terms of the shape of our warheads and the building materials that are necessary to make it more effective; we live in a dangerous world. All of which is true, we ought to be able to have a study, but that is not what this is about.

As I have mentioned, the opposition, by and large, will say this is just a study. Then we will have to come back to Congress and get the approval.

See what the intention of this administration is. ''Department of Energy, 2005 Congressional Budget Request, National Nuclear Security Administration, Office of the Administrator, Weapons Activities.'' Open this to page 63. There it is.

They talk about what is going to be the request over the period of these next 5 years, and it is $484 million. That is not a study. That is the development of a weapons system. Those resources could be more effectively used providing security at home, working through homeland security, than developing a new weapons system which will make it more complicated and more difficult for the United States to be the leader in the world, which we have been under Republican and Democratic Presidents since 1962, in reducing the number of countries that have dangerous nuclear weapons. We should stay the course. That has been a wise judgment and decision by Republican and Democratic Presidents. We should not be about the business of developing new nuclear weapons, which is going to upset that whole movement and make this country less secure.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pick up on my distinguished colleague's last point with regard to the projected budget cycle as it relates to this program. In fairness, the distinguished Senator from Massachusetts should point out that while that document outlines a proposal for a program, Congress carefully has enacted the checks and balances such that every step of the way that program has to be reviewed by the Congress, authorized, and appropriated. Those are the types of checks and balances that should be accorded a program of this significance.

I point out, and I read from the conference report on the National Defense Authorization Act for fiscal year 2004, the requirement for specific authorization of Congress for commencement of engineering development phase and subsequent phase of the robust nuclear earth penetrator, section 3117 of the law, the Senate amendment contained in provision 3135 that would require the Secretary of Energy to obtain specific authorization from Congress to commence development engineering phase of the nuclear weapons development process or any subsequent phase of a robust nuclear earth penetrator weapon.

So I assure my colleagues, I assure the American public, Congress is carefully monitoring each step of this proposed program.

My good friend from Massachusetts pointed out about the military requirements. The Chairman of the Joint Chiefs of Staff, in appearing before Congress, established the military requirement. Senators on the other side of this debate have argued there is no military requirement, as did my good friend and colleague from Massachusetts. Congress should not be funding, he has argued. This is a case of getting so involved in technology that we lose sight of the purpose behind the words.

I think it is extremely important that the record of this debate reflect the following: In an appearance before the House Armed Services Committee in February of this calendar year, the Chairman of the Joint Chiefs of Staff, General Myers, addressed the following question:

> Is there a military requirement for RNEP?

General Myers answered the question as follows:

> Our combatant commander that is charged by this nation to worry about countering the kind of targets, deeply buried targets, certainly thinks there's a need for this study. And General Cartwright has said such. I think that. I think the Joint Chiefs think that. And so, the study is just that. It's not a commitment to go forward with a system; it's just to see if it's feasible.

It is just to see whether the technology of the United States can take an existing warhead. There was some inference that we are increasing the stockpile. It is very important to recognize we are simply performing tests and evaluation on existing warheads to determine whether they can be reconfigured to achieve the mission of penetrating the earth to certain depths, depending on the consistency of the soil and the above earth, and render less effective, if not destroy, a potential situation beneath the earth, which definitely challenges the security of this Nation and the world. It is as simple as that.

So this whole debate is about whether a modest sum of money can be continued to be applied to a program to determine a feasibility study. Depending on the outcome, the Congress comes back in and then establishes whether the facts justify, as well as the threat situation, as well as the military needs, the next step of a program that would take some several years to evolve and produce a weapon.

General Myers continued:

> So we can argue over the definition of a ''military requirement'' and when a ''military requirement'' is established. We can

argue over when in the study of a concept—which is what we are talking about here—when should the requirement be established.

We can argue over definitions or we can listen to the Chairman of the Joint Chiefs and the Commander of Strategic Command, who advise the Congress that it is in the interest of the United States to complete the feasibility study.

Somewhat regrettably, over the past 24 hours we have had a lot of back and forth about time consumed on this, that and one of the other things. I tend to be very indulging in the fact that the Senate is an unusual body and there is the right to discuss whatever a Senator wishes. But just 3 weeks ago we had this exact amendment before this body, except for one change. Senator FEINSTEIN had put the funds which would be resulting from a cancellation towards the public debt, a laudable purpose. It has nothing to do with the military requirements, nothing to do with anything about the weapon. Senator KENNEDY made one small change: Let us take it from the public debt and give it to the DC National Guard.

Well, I can understand how the DC National Guard is brought into a clear focus in its responsibilities given the worldwide events of recent times. I am not unmindful of those situations. But if there is a need for funding for the D.C. National Guard, let it be brought forth independently. It should not be a predicate or a basis for making a major decision as to whether to go forward on this important research program and study.

So I say to my colleagues, if there is a problem with the D.C. National Guard, bring it to the attention of the managers. We will be on this bill for a few days. We have time. We will take a look at it.

I am mindful of what occurred here last night and what occurred here again this morning about how we are just grinding our wheels and not being productive. This same identical amendment was rejected by the Senate 3 weeks ago in a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Kennedy amendment dealing with the robust nuclear earth penetrator, or RNEP. This issue has been discussed and debated at length many times. In fact, my impression was that we had come at least legislatively to a conclusion. The conclusion was that this was not a weapons system that would materially aid our ability to advance national security purposes of the United States.

In the fiscal year 2003 budget request, the Department of Energy sought $15 million to fund the first year of what was to be a 3-year, $45 million study to determine the feasibility of using one of two existing large nuclear weapons as a robust nuclear earth penetrator.

They couched it in terms of a study. There is some discussion about requirements and studies. My impression is that a requirement is a formal decision made by the Department of Defense through elaborate procedures. With respect to the particular nuclear penetrator to attack deeply buried targets, I do not believe there is a formal requirement. There is a general requirement to hold at risk hard, deeply buried targets, but there are many different variations that could be applied to that, and I do not believe the Department of Defense has yet come to a conclusion, a requirement, that this mission can only be undertaken by a robust nuclear penetrator.

Nevertheless, early on, several years ago the Department of Energy's budget called for studies. Congress authorized and appropriated the $15 million for the first phase of this study by the Department of Energy, but DOE was not to begin this work until it submitted a report setting forth requirements for an RNEP and the target types that RNEP was designed to hold at risk. DOE proposed their response in April of 2003, and the funds were released to begin again this study. Once again, DOE insisted that this was just a study. There was no decision to begin the process of development and production that would lead to a weapon.

The following fiscal year 2004, DOE again sought $15 million for the RNEP, but now Congress had become, I think rightfully, a little skeptical of the technology, of the efficacy of this proposed weapon, to do what it was intended to do, and as a result, only $7.5 million was appropriated. DOE took the reduced funding and said: Still, this is just a study. We just want to look at this concept. We study lots of concepts. We certainly cannot inhibit the intellectual inquiry when it comes to an issue of so much importance to our national security.

Now, in the 2005 budget request, after 2 years of various requests, the true nature of the RNEP proposal is becoming much clearer. It does not appear today to be just a study. DOE sought $27.5 million for RNEP in the 2005 budget request. In addition, DOE included the RNEP in its 5-year budget report demonstrating that the real plan was to continue with the RNEP project through the next 5 years through the development stage and just up to the point at which production would begin.

Now it is no longer just a study. In fact, DOE is talking about almost $500 million over the next several years to get ready to build an RNEP. The cost of the feasibility study has also increased dramatically from the initial $45 million—$15 million a year for 3 years—to now $145 million. If the study is increasing from $45 million to $145 million, if that same progression is applied to development, then right now we are talking about almost a billion dollars to get to the point of development and production for this RNEP.

Finally, though, I think Congress had its fill with the study that turned out to be a stalking horse for a production program, and in the fiscal year 2005 budget cycle denied funding. I applaud particularly our colleagues in the other body who were very much involved in this decision on a bipartisan basis and decided that this program was not worth the investment; that it was not a study; that if it was a true study it could have been concluded and the results could have been provided to decisionmakers for a more thoughtful review of this aspect of national security.

The administration just did not get the message. So in 2006, this budget request, DOE requested $4 million to start the RNEP feasibility study again, and $14 million will be needed in fiscal year 2007 to finish the study.

It should be apparent right now, this is not about a study. This is about developing a weapons system to hold hard and deeply buried targets at risk. The National Academy of Sciences conducted their own study to look at the feasibility of doing this and the usefulness of this type of weapons system, at the request of the Armed Services Committee. Their study sheds a great deal of light on the practical implications of this weapons system.

DOE says the RNEP project is to look at the feasibility of using a bomb with a small nuclear yield to target hard and deeply buried targets with minimal collateral damage on the surface and minimal fallout. That would be a very important development, if it were feasible. But the Academy points out in their study, and makes it clear, that to really hold hard and deeply buried targets at risk the RNEP would have to be very large and would not be contained. This is about physics, I think, more than it is about wishful thinking. The physics of the problem suggests if you really want to destroy that target you can't use a small nuclear charge. You would have to use a rather considerable one.

Therefore, the DOE is considering modifying an existing large-yield nuclear weapon, the B–83, to be a nuclear penetrator. The B–83 nuclear bomb has a 1-megaton yield. That is explosive power equivalent to 1 million tons of TNT, hardly a small, discrete weapon. The full megaton yield of the B–83 would be needed to hold at risk a target buried 900 feet below the surface—because of engineering progress, you effectively can burrow that far down and put facilities or intelligence centers or other critical military installations at that depth. But not only would the fallout not be contained after the detonation of this large a weapon, the resulting radioactive debris that the B–83 would put in the atmosphere would make the fallout worse. You would be sending a charge down into the earth, exploding the earth, blowing it up into the atmosphere and spreading the fallout. There would be substantial casualties if it were used, and the fallout would spread for hundreds of miles.

The National Academy of Sciences study makes it clear that in a populated area, millions of people would be killed and injured.

Let me give sort of a rough comparison of the effects of the B–83 system. It

has yields ranging up to 1 megaton; that is 1 million tons of TNT. The bomb we dropped on Hiroshima was 14 kilotons. It resulted in the death of 140,000 people. The Nagasaki bomb was 21 kilotons; 73,000 people died. The yield of the B–83 bomb is 71 times larger than that used at Hiroshima and 47 times larger than Nagasaki. That would cause incredible damage and casualties.

In a practical sense, if you are striking a critical installation, most likely that installation is close enough to either an urban area or close enough to other key terrain that a military commander would have to think twice about dropping a nuclear bomb on such a target. The reality is we could not operate in that area for years, because of fallout, because of damage. If your goal were to ultimately destroy and occupy an opposing foe, why would you essentially create a situation where you could not even operate in the area?

The other thing about this whole approach to the RNEP is it fails to recognize that we have precision conventional weapons that may not be able to reach down 900 feet, but certainly these weapons can be used to deal devastating blows to the communication networks that serve these facilities and to the entrances. Eventually there has to be someplace where you go into these tunnels. Those facilities, if they can be identified, can be shut off by conventional munitions. The goal is to neutralize the target, and that can be done, I think, more readily by conventional weapons, particularly conventional precision weapons. So the need for this system on a practical basis is not at all compelling to me, and I do not believe it is compelling to the more thoughtful people in the military, those who are thinking about these types of situations.

There is another factor, too. Again, the presumption is that we are going to have a nuclear device that we are going to use to take out a deeply buried target, which could be in a circumstance where we would be contemplating the first use of a nuclear weapon against one of these targets. We have to be very sure that we have the kind of intelligence that will support such extraordinary use of military power. If we reflect back on Operation Iraqi Freedom, we thought there were nuclear weapons—some people did. We thought there were chemical weapons and thought there were biological weapons. Secretary Powell was before the United Nations talking about these mobile biological vans.

The reality is our intelligence was very poor; certainly not sufficient, in my view, to justify the use of a nuclear weapon like this. So there is a further complication about ever using one of these weapons; and that is, would we have the intelligence to support, particularly, the first use of a nuclear weapon to take out a target like this?

We do not need to spend $1 billion to develop to the point of production an RNEP. I think our colleagues in the House, on a bipartisan basis, figured this out last year. We should be equally astute and adroit. We have conventional precision weapons that can deal lethal blows to these types of installations. I think we should not contemplate using nuclear weapons, such weapons as the B–83, which would yield vast areas of a particular country literally uninhabitable for months if not years. Also, by the way—which we found from our adversaries, particularly from our adversaries in Iraq—they are fairly astute about trying to counteract our weapons with their tactics. If you were someone who was afraid that the United States might have such a weapon like an RNEP and use it against you, I think there would be a strong temptation to put that deeply buried target underneath a city, underneath a historic or religious site, so that our choices would be further complicated by the fact that we would be delivering a nuclear device in an area where there could be significant population or significant reasons to avoid the detonation of a nuclear bomb.

I think this funding is not appropriate. I join Senator KENNEDY in urging that we move to drop it. I urge my colleagues to vote for the Kennedy amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator for his comments. We would disagree on this, but he is a skilled person in the defense of our country, and I respect his comments.

Three weeks ago, this Senate voted 53 to 43 on this amendment. I am glad we are having this debate. Some have said there is not enough time to have a debate on these issues, to bring up and highlight points that the other side may want to raise. But we just voted on it 3 weeks ago. We voted on this twice last year. This amendment to strike this language was defeated; the language was kept in the bill. Overwhelmingly, the Senate has maintained its view that a study of this robust nuclear earth penetrator is valid and needed and the Defense Department and the Energy Department have certified to that and we ought to go forward with it. But it is perfectly legitimate that we talk about it.

I would just say this for emphasis, to follow up on Chairman WARNER's comments: The way this language is placed in this legislation, it mandates explicitly that the Department of Energy or Department of Defense cannot go forward to commence development engineering without the specific approval of Congress.

This robust nuclear earth penetrator issue began being discussed by the military in 1985, and when the need was recognized, it was supported by the Clinton administration Defense and Energy Departments. Secretary O'Leary specifically supported this. There were no limitations of the kind I just mentioned in the language that came forward during the Clinton administration to decide to conduct this study. But now we are putting that in there to allay the concerns that any might have, that somehow authorizing a study would result in development and deployment of a weapons system. We know that cannot happen without Congress's approval, but this really clamps it down to say there would have to be an affirmative legislative act by Congress before the Energy Department could go forward with developing any such weapon as this.

I think that ought to allay the concerns. I will suggest that is why there has been so much support for it on a bipartisan basis.

A couple of years ago, Secretary of State Colin Powell wrote Chairman WARNER in support of the RNEP. He asked us to fund a feasibility and cost study of it, and noted that:

> I do not believe that these legislative steps will complicate our ongoing efforts with North Korea, inasmuch as the work was funded and authorized in last year's Defense bill. I believe that North Korea has already factored RNEP into its calculations. It is important for you to work on these issues and please do not hesitate to call on me. . . .

Secretary Powell supported it and said it basically furthered our foreign policy. So, again, this would be a multiyear feasibility study, and we are talking about $4 million being spent on it. In the scheme of our huge budget, I would say that is not excessive.

Suggestions have been made that somehow this indicates that we are indifferent to nuclear weapons, the powers that they contain, the danger that they represent, and that somehow this administration is not sensitive to the need to reduce the threat from nuclear weapons in the world. Nothing could be further from the truth.

Let me mention a few things about what this Nation is doing with regard to its nuclear arsenal. We have already done more than any other nation in the world to reduce our nuclear arsenal. We are committed to huge reductions in our nuclear weapons. In the last 15 years, the number of U.S. deployed strategic warheads has declined from 10,000 to less than 6,000. Under the treaty we signed, the Moscow Treaty, we will reduce our strategic nuclear warheads to between 1,700 and 2,200 by 2012—from over 10,000. That is a huge reduction. In fact, we have already dismantled more than 13,000 nuclear weapons since 1988 and eliminated nearly 90 percent of U.S. nonstrategic nuclear weapons.

(Mr. ALLARD assumed the Chair.)

We have not produced high enriched uranium for weapons since 1964, nor plutonium for weapons since 1988. In fact, we are the only nuclear power in the world that has no capability at this moment to produce nuclear weapons. We are simply relying on our old stockpile, and that is a matter that a number of people are concerned about, but it is true.

As Senator ALLARD, now I see is the Presiding Officer, who last year chaired the strategic subcommittee in the Armed Services Committee that deals with these issues, and I now chair that strategic subcommittee—has gone on to bigger and better things—but it is an important subcommittee and it deals with the strategic defense of America. We are moving to incredible reductions in our nuclear weapons, but we are going to keep something like 2,000. How does it threaten the world in peace and make us a warmonger, if we can design and make a few of those weapons capable of being effective against hardened targets?

Let's be realistic. People say, ''This is a new weapon. This is a new weapon,'' even when we get to the bottom, 2,000 or more nuclear weapons. What is wrong if we have figured out a way to use a targeted nuclear weapon to deal with a hardened site? It makes a lot of sense. It certainly does not indicate we are in a warmongering mode.

I have a number of other things I would say on this subject. I see the Senator from California is here. I am pleased to yield the floor. I assume the Senator from California is talking on Armed Services issues?

Mrs. FEINSTEIN. Yes.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. I also thank the distinguished Senator from Alabama.

I wish to speak on the bill. There is probably no one in the Senate I have greater respect for than the chairman of the Committee on Armed Services. He certainly does know his material. He certainly has put in the years. He certainly has done the work.

I very profoundly disagree with what he has said with respect to the robust nuclear earth penetrator. We have heard this is only a study, that it is minor in scope, that we have debated this before. It is certainly true, we have debated this before. We debated it before because we feel strongly about this issue. We have debated it before because the Congress eliminated the money last year. We have debated it before because we have a strong passion and belief that this is the wrong way for our Nation to go. The fact that we have debated this issue before—Senator KENNEDY, Senator REED, Senator LEVIN, myself—does not in any way, shape, or form downgrade or demean our arguments.

Let me discuss this program which is only ''a study.'' Let me discuss for a moment the way this program started out.

It started with appropriations for the study of a robust nuclear earth penetrator with a 5-year budget projection of $486 million. That is how it started.

It also coincided with a program called ''advanced concepts initiatives'' which is not in this authorization but which last year envisioned the development of low-yield tactical nuclear weapons of under 5 kilotons, or battlefield nuclear weapons. That is about a third the force that was used at Hiroshima, a 15-kiloton weapon. That is not, as I say, in this bill.

It started out with a plan to build a Modern Pit Facility which could produce up to 450 new plutonium pits—the pit being the trigger that detonates a nuclear weapon. If you take a good look, you know you do not need up to 450 plutonium pits for replenishment of the existing nuclear arsenal. You may need 40 to 60. So if you put forward up to 450 plutonium pits, to me it is an indicator that there is a broader program afoot.

Part of this is also an increase of the time to test readiness from 3 years to 18 months. What that says is: Beware, something is going on. We want to be able to resume testing and we do not want to resume testing within the normal 3-year delay, we want to move that up to 18 months. So, something is cooking.

The fact is, no one should doubt this authorization enables the reopening of the nuclear door to the creation of a new generation of nuclear weapons, in this case, a robust nuclear earth penetrator of 1 megaton. This is a major effort.

It is true, we fenced it, as the Senator from Alabama pointed out. Before it goes beyond the engineering stage, it must come back to this Senate for approval. But that does not signify that there is not a new generation of nuclear weapons being studied, researched, advanced, and authorized in this bill, specifically the $4 million for the robust nuclear earth penetrator.

Our intention is being signaled to the rest of the world. The Department has been clever in not revealing its hand. No longer does it provide the 5-year cost of this study as it did last year. No longer does it mention this effort in its statement of administration policy. The statement of administration policies on the House Defense Authorization and House Energy and Water Appropriations bills do not mention a robust nuclear earth penetrator. Rather, the attempt was to cloak the study in some kind of obfuscation, to divide it between two budgets—Energy and Defense—half, $4 million here, the other $4.5 million in the other budget, with the hope that if one fails, the other will get through.

But nonetheless, this is not minor in scope. The Modern Pit Facility which could produce up to 450 new plutonium pits is not even being discussed. There is supposed to be a study that will come back and indicate how many pits are necessary to replenish the present nuclear arsenal. That is not before the Senate. That is in this bill. There is no study to indicate we need 450 pits today to refresh the existing arsenal, particularly when that arsenal is being diminished in size.

The intention is clear. Obviously, the way you begin a new nuclear weapon program is with a study, research, and engineering. So it is true we are trying to catch it at the beginning. That is not a bad thing. That is a very good thing.

The money, as was stated accurately, would go to the DC National Guard to enable it to prepare for possible terrorist attacks in the Nation's Capital. Many think this is a much more realistic use of this money than a robust nuclear earth penetrator, especially when the laws of physics say it is impossible to drive a missile deep enough in the Earth to prevent the spewing of hundreds of millions of cubic yards of radioactive waste and cause the death of hundreds of thousands, if not millions of people.

It is true, we had this debate 3 weeks ago on the Energy and Water appropriations bill. That was the other half of this request. We were not successful with that vote. We said we would be back to debate this issue. And we will be back again and again and again until we are able to defeat this effort. It is morally wrong and I believe it jeopardizes the national security of our country.

The House has had the good sense to decisively eliminate funding for the robust nuclear earth penetrator, first under the leadership of Representative DAVID HOBSON, the chairman of the Energy and Water Appropriations Subcommittee. That bill eliminated the $4 million for the Department of Energy portion of the robust nuclear earth penetrator. Second, the House fiscal year 2006 Defense appropriations bill limits research for a bunker buster to a conventional program. Finally, during its mark of the 2006 Defense authorization bill—that is the companion to the bill we are talking about this morning—the House Armed Services Committee eliminated all of the Department of Energy funding for the robust nuclear earth penetrator and transferred the $4 million to the Air Force budget for work on a conventional nonnuclear version. So there is a growing body of thought in three specific efforts successfully concluded by the House of Representatives that says we should not proceed with this program.

Let me recap: The House Energy and Water appropriations bill eliminates $4 million. The House 2006 Defense appropriations bill limits research to a conventional program. And finally, the House Armed Services Committee eliminated all of the Department of Energy funding for the nuclear earth penetrator and transferred it to work on a conventional nonnuclear version.

It will be a very hot conference committee on these items. But the House has taken the action in three ways rather completely.

We are not out on a limb. This is not some whim of a small faction of Members of the Senate. We represent a majority of the Members of the House of Representatives. I believe we represent a majority of thinking of the American people. Polls have been done which

clearly show a bulk of the American people are, in fact, not in support of commencing this research, of doing this study.

Let me give a fact sheet of a 2004 poll brought to my attention by the Union of Concerned Scientists. It found most Americans do not support the development of new nuclear weapons by the United States. A substantial majority of Americans would oppose funding for the nuclear bunker buster. Sixty-five percent of Americans say there is no need for the United States to develop new types of nuclear weapons. They know what the Senator from Rhode Island pointed out, that there are conventional bunker busters that should be developed. They know the key to this is good intelligence as to vent holes, ingress, egress areas, intelligence which can lead us to ferret out a nuclear bunker buster. Sixty-three percent found convincing the argument that the United States would be setting a bad example by starting to develop new types of nuclear weapons, and a large majority opposes using nuclear weapons for anything other than a deterrent to prevent other countries from using nuclear weapons. Eighty-one percent oppose the Bush administration's revelation that they would countenance a first use of nuclear weapons. Eighty-four percent oppose the United States using threats of nuclear retaliation to attempt a deterrent attack on the United States with chemical or biological weapons. And 57 percent support the United States reaffirming a commitment to not use nuclear weapons against countries that do not have nuclear weapons as a way of encouraging those countries not to acquire or build nuclear weapons.

Americans have a clear preference for a much smaller nuclear arsenal. Based on this poll, a substantial majority of Americans opposes the study into the nuclear bunker buster. These findings also show substantial distaste for nuclear weapons in general, with a clear preference for a small nuclear arsenal designed only as a deterrent to prevent other countries from using nuclear weapons.

I ask unanimous consent this fact sheet from the Union of Concerned Scientists be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT AMENDMENTS TO THE ENERGY & WATER APPROPRIATIONS BILL TO PREVENT NEW NUCLEAR WEAPONS

The Robust Nuclear Earth Penetrator (RNEP) is a proposed new nuclear weapon intended to burrow a few meters into rock or concrete before exploding, thus generating a powerful underground shock wave. Its intended targets are deeply buried command bunkers or underground storage sites containing chemical or biological agents.

Technical realities:

According to several recent scientific studies, RNEP would have limited effectiveness at destroying underground targets and would have substantial drawbacks. Specifically. . .

RNEP would produce tremendous radioactive fallout

RNEP could kill millions of people

RNEP would not be effective at destroying chemical or biological agents

RNEP would not be effective at destroying deep or widely separated bunkers.

THE ROBUST NUCLEAR EARTH PENETRATOR

The Robust Nuclear Earth Penetrator (RNEP): RNEP is a nuclear weapon that would burrow a few meters into the ground before exploding and thus generate a powerful underground shock wave. Its hypothetical targets are deeply buried command bunkers or underground storage sites containing chemical or biological agents.

The RNEP design: Weapons designers at Lawrence Livermore National Laboratory intend to use an existing high-yield nuclear warhead—the 1.2–megaton B83 nuclear bomb—in a longer, stronger and heavier bomb casing. The B83 is the largest nuclear weapon in the U.S. arsenal, and nearly 100 times more powerful than the nuclear bomb used on Hiroshima.

Technicai realities: According to several recent scientific studies, RNEP would not be effective at destroying many underground targets, and its use could result in the death of millions of people.

RNEP would produce tremendous radioactive fallout: A nuclear earth penetrator cannot penetrate deep enough to contain the nuclear fallout. Even the strongest casing will crush itself by the time it penetrates 10–30 feet into rock or concrete. For comparison, even a one-kiloton nuclear warhead (less than 1/10th as powerful as the Hiroshima bomb) must be buried at least 200–300 feet to contain its radioactive fallout. The high yield RNEP will produce tremendous fallout that will drift for more than a thousand miles downwind. As, Linton Brooks, the head of the National Nuclear Security Administration told Congress in April, the laws of physics will [never allow a bomb to penetrate] far enough to trap all fallout. This is a nuclear weapon that is going to be hugely destructive over a large area.''

RNEP could kill millions of people: A simulation of RNEP used against the Esfahan nuclear facility in Iran, using the software developed for the Pentagon, showed that 3 million people would be killed by radiation within 2 weeks of the explosion, and 35 million people in Afghanistan, Pakistan and India would be exposed to increased levels of cancer-causing radiation.

RNEP would not be effective at destroying chemical or biological agents: Unless the weapon detonates nearly in the same room with the agents, it will not destroy them. Because the United States is unlikely to know the precise location, size and geometry of underground bunkers, a nuclear attack on a storage bunker containing chemical or biological agents would more likely spread those agents into the environment, along with the radioactive fallout.

RNEP would not be effective against the deepest or widely separated bunkers. The seismic shock produced by the RNEP could only destroy bunkers to a depth of about a thousand feet. Modern bunkers can be deeper than that, with a widely separated complex of connected rooms and tunnels.

There are more effective conventional alternatives to RNEP: Current precision-guided conventional weapons can be used to cut off a bunker's communications, power, and air, effectively keeping the enemy weapons underground and unusable until U.S. forces secure them. Sealing chemical or biological agents underground is far more sensible than trying to blow them up.

The RNEP budget: RNEP is not just a feasibility study: DOE's 2005 budget included a five-year projection—totaling $484.7 million—to produce a completed warhead design and begin production engineering by 2009. The FY06 budget request includes $4 million for RNEP and $4.5 million to modify the B–2 bomber to carry RNEP. Last year, David Hobson, Republican chair of the House Appropriations Energy and Water Development Subcommittee, zeroed out FY05 funding for the program, stating, ''we cannot advocate for nuclear nonproliferation around the globe, while pursuing more usable nuclear weapons options here at home.''

AMERICANS OPPOSE NEW NUCLEAR WEAPONS

A 2004 poll found that most Americans do not support the development of new nuclear weapons by the United States and strongly oppose the idea of the United States ever using a nuclear weapon first. As Congress debates funding for the Robust Nuclear Earth Penetrator (RNEP), these results are particularly relevant. Findings from the poll, which was conducted by the Program on International Policy Attitudes (PIPA), include:

A substantial majority of Americans would oppose funding for the RNEP, or ''bunker buster.''

65% of Americans say there is no need for the United States to develop new types of nuclear weapons.

63% found convincing the argument that the United States would be setting a bad example by starting to develop new types of nuclear weapons.

A large majority opposes using nuclear weapons for anything other than a deterrent to prevent other countries from using nuclear weapons.

81% oppose the United States ever using nuclear weapons first.

84% oppose the United States using threats of nuclear retaliation to attempt to deter an attack on the United States with chemical or biological weapons.

57% percent support the United States reaffirming a commitment to not use nuclear weapons against countries that do not have nuclear weapons, as a way of encouraging those countries not to acquire or build nuclear weapons.

Americans have a clear preference for a much smaller U.S. nuclear arsenal.

100—The median answer for the number of nuclear weapons Americans believe are needed to provide deterrence.

6,000—The approximate number of U.S. nuclear weapons, with roughly 2,000 of these maintained on high alert status, ready to be launched in a matter of minutes.

Based on this poll, a substantial majority of Americans would oppose research into the RNEP, a new nuclear ''bunker buster'' supported by the Bush administration. These findings also show the U.S. public's distaste for nuclear weapons in general, with a clear preference for a small nuclear arsenal designed only as a deterrent to prevent other countries from using nuclear weapons.

These poll results are from ''Public Believes Many Countries Still Secretly Pursuing WMD,'' a media release published by Program on International Policy Attitudes (PIPA) and Knowledge Networks. The poll was conducted with a nationwide sample of 1,311 respondents from March 16–22, 2004. The margin of error was plus or minus 2.8%–4.5%, depending on whether the question was administered to all or part of the sample. The release can be found at: http://www.pipa.org/OnlineReports/WMD/WMDpress___04___15___04.pdf and the full poll at: http://www.pipa.org/OnlineReports/WMD/WMDreport___04___15___04.pdf.

Mrs. FEINSTEIN. Let me point out, House Armed Services Committee member Sylvester Raiz stated that the

House committee took the ''N'' or nuclear out of the robust nuclear earth penetrator program.

Remember, last year, in this strong statement I have just told you about—in the deletion of funding of the $27.5 million for the earth penetrator and the $9 million for advanced concepts that at the time included a study for the development of the low-yield nuclear weapons—Republicans and Democrats, authorizers and appropriators alike, joined together to send a clear signal to the administration that the House and Senate would not support moving forward with the development of a new generation of nuclear weapons. If you consider this, along with the facts I have just revealed, based on a polling of the American people, you have to wonder why the administration comes back with a new request this year.

In April of this year, a group of experts of the National Academies of Sciences confirmed what we have long argued—that according to the laws of physics, it is simply not possible for a missile casing on a nuclear warhead to survive a thrust into the earth deep enough to take out a hard and deeply buried military target without spewing millions of tons of radiation into the atmosphere.

That is where we are—funding a study that the law of physics says will not work. It is folly to me. And the repercussions are enormous. The National Academies of Sciences study, commissioned by Congress to study the anticipated health and environmental effects of the nuclear earth penetrator, found the following: that current experience and empirical predictions indicate that earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. It also found that in order to destroy hard and deeply buried targets at 200 meters, or 656 feet, you would need a 300-kiloton weapon. And in order to destroy a hard and deeply buried target at 300 meters—that is 984 feet—you would need a 1-megaton weapon.

The point is, the deeper the bunker, the larger the nuclear blast must be, and the greater the amount of nuclear fallout will be.

The number of casualties, they find, from an earth-penetrator weapon detonated at a few meters' depth, which is all that can be achieved for all practical purposes, is equal to that of a surface burst of the same nuclear weapon. Do you know what we are contemplating here, what that surface burst would be? It would be the largest spewing of radioactivity in the history of the world. Enormous. If it were used in North Korea, it would spread to South Korea and Japan. It is unthinkable.

For attacks near or in densely populated areas using nuclear earth-penetrator weapons on hard and deeply buried targets, the number of casualties would range from thousands to more than a million, depending primarily on weapon yield.

So once again, the bottom line is that a bunker buster cannot penetrate into the earth deep enough to avoid massive casualties, and there would be the spewing of millions of cubic feet of radioactive materials into the atmosphere. This would result in the deaths of up to a million people or more if used in densely populated areas.

So why are we doing this? What kind of Machiavellian thinking is behind this reopening of the nuclear door?

Ambassador Linton Brooks of the National Security Administration agrees with these findings. Earlier, in a congressional hearing, Congresswoman Ellen Tauscher asked him how deep he thought a bunker buster could go. Here is his answer from the transcript of the House hearing. I quote:

> . . . a couple of tens of meters maybe. I mean certainly—I really must apologize for my lack of precision if we in the administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the laws of physics will ever let that be true.

And remember, we are talking about a 1-megaton bomb, 71 times the size of the bomb dropped on Hiroshima—71 times bigger than the 15-kiloton bomb. The devastation from using such a weapon will be catastrophic.

The National Academies of Sciences study is the strongest evidence to date that we should not move forward with this study and that we should put a stop to it once and for all. Again, the Senate should listen to the experts and follow the House's lead.

So what is the main argument from opponents of this amendment, such as Secretary of Defense Donald Rumsfeld? Their argument is: This is just a study. Nothing is going to happen. Nobody is going to get the idea: Oh, my goodness, the United States is moving in this direction; we better move. North Korea: They are coming after us; we better get there first. India, worried about Pakistan: Let's begin to develop it. Pakistan, worried about India: Let's do the same thing.

I do not believe for a second this is just a study. This is the beginning of a major effort to develop a new generation of nuclear weapons, and nobody should think it is anything else but that.

This year, the request is $8.5 million. In fiscal year 2007, the request will increase to $17.5 million, including $14 million for the Department of Energy and $3.5 million for the Pentagon. And while the administration is silent this year on how much it plans to spend on the program in future years, we should not forget that last year's budget request called for spending $486 million on the robust nuclear earth penetrator over 5 years. So that part of the plan was revealed. This 5-year figure was omitted this year, and that is deceiving, I believe. But even if you accept the argument that this is just a study, that does not justify moving forward with this program.

First, a study on the development of new nuclear weapons will still greatly undermine our nuclear nonproliferation efforts by telling the rest of the world that when it comes to nuclear weapons, do as we say and not as we do. That is hypocrisy, pure and simple. How does that make us safer from the prospect of nuclear terror? Answer: It does not.

In a letter to committee members of the Senate Appropriations Committee, the Reverend John H. Ricard, bishop of Pensacola-Tallahassee and chairman of the Committee on International Policy of the U.S. Conference of Catholic Bishops, stated:

> Nations that see the U.S. expanding and diversifying our nuclear arsenal are encouraged to seek or maintain nuclear deterrents of their own and ignore nonproliferation obligations.

I could not agree more.

How will a study of new nuclear weapons help compel North Korea to abandon its nuclear program? It will not. It will do exactly the opposite. How will a study of new nuclear weapons help convince the Iranians to respond and give up their own nuclear weapons? Answer: It will not. Just as calling these nations part of the ''axis of evil'' has done nothing but instill in them the desire to develop their own nuclear weapons programs. That, in fact, has been exactly the case.

In both cases, a study to develop new nuclear weapons, especially when we already have a robust nuclear arsenal, only makes those weapons more important to those who do not yet have them, such as Iran, or who refuse to give them up, such as North Korea. And the proliferation of nuclear weapons only increases the chances of them falling into the hands of terrorists who will not be deterred by a nuclear bunker buster.

Secondly, a study will not change the conclusions of the National Academies of Sciences report: It is not possible to develop a nuclear bunker buster that can burrow deep enough into the earth to contain massive amounts of radioactivity fallout. The inevitable result will be the deaths of up to a million people.

So why do we do it? Physics says it cannot be done, and somebody in the Pentagon who does not know word one about physics says it can be. Who do I trust? I do not trust the Pentagon, I do trust the Academies of Sciences, on this point. This study will not change that simple fact. And as Ivan Oelrich of the Federation of American Scientists points out:

> Any nation that can dig under a hundred meters of hard rock can dig under a kilometer of hard rock.

Our adversaries will only have to build a bunker deeper than 400 meters to avoid the effects of a 1-megaton bomb that is 71 times bigger than Hiroshima. It makes no sense.

Finally, a study will not change the fact that we need to improve our intelligence capabilities in relation to underground targets. Why aren't we putting that money into intelligence on

underground targets, where the vent shafts are, where the aromas come up, where ingress, egress, and access is, to pinpoint locations? What use is a nuclear bunker buster if we cannot locate and identify an underground target which, ladies and gentlemen, is today the case?

What would have been the consequences if we had used a nuclear bunker buster in Iraq to take out bunkers filled with chemical and biological weapons—that did not exist? The fact is, we can improve our intelligence capabilities and locate and identify targets. We can use conventional weapons with specialized delivery systems to seal off their vulnerable points, such as air ducts and entrances for personnel and equipment.

We can also look at conventional bunker busters. Last month, I was briefed by Northrop Grumman on a program they are working on with Boeing to develop a conventional bunker buster—the Massive Ordnance Penetrator—which is designed to go deeper than any nuclear bunker buster and take out 25 percent of the underground and deeply buried targets. This is a 30,000-pound weapon, 20 feet in length, with 6,000 pounds of high explosives. It will be delivered in a B–2 or B–52 bomber. It can burrow 60 meters in the ground through 5,000 PSI—pounds per square inch—of reinforced concrete. It will burrow 8 meters into the ground through 10,000 PSI reinforced concrete.

We have already spent $6 million on this program, and design and ground testing are scheduled to be completed next year. Why are we doing this nuclear bunker buster that cannot be done according to the law of physics? We should focus on practical programs such as the Northrop Grumman-Boeing program that will put these underground targets at risk without reopening the nuclear door.

Let me look once again at the policies underlying this request.

The 2002 Nuclear Posture Review, which is a white paper put out by the administration—singularly overlooked by this body but read widely by the rest of the world—places nuclear weapons as part of the strategic triad, therefore blurring the distinction between the conventional and nuclear use. Why do this? One reason: It makes them easier to use. It also discussed, for the first time, seven countries that could be targets of U.S. nuclear weapons: Russia, China, Iraq, Iran, North Korea, Libya, Syria.

I did not write this. This is in the Nuclear Posture Review. Other nations have seen this. This is foolish.

Secondly, National Security Directive-17, which came a few months later, indicates that the United States will engage in a first use of nuclear weapons—a historic statement in itself. We have never said we would not engage in a first use. We have never said we would engage in a first use. And here we say we would engage in a first use to respond to a chemical or biological attack.

We could have done that in Iraq. What would have happened had we done this? Would a nuclear bunker buster have been used in Iraq? I wonder. Fortunately, we will never know.

My point is, these policies encourage other nations to develop similar weapons, thereby putting American lives at risk and our national security interests at risk. This isn't the example we should set for the rest of the world. Indeed, I believe the United States can take several actions to make better use of our resources and demonstrate our commitment to keeping the world's most dangerous weapons out of the world's most dangerous hands.

First, we should work to strengthen the Nuclear Proliferation Treaty. Senator HAGEL and I have introduced a sense of the Senate amendment to this bill that calls on parties to the Nuclear Proliferation Treaty to insist on strict compliance with the nonproliferation obligations of the treaty and to undertake effective enforcement actions against states that are in violation of their obligations; to agree to establish more effective controls on sensitive technologies that can be used to produce materials for nuclear weapons; to accelerate programs to safeguard and eliminate nuclear weapons usable material to the highest standards to prevent access by terrorists or other states; to agree that no state may withdraw from the treaty and escape responsibility for prior violations of the treaty or retain access to controlled materials and equipment acquired for peaceful purposes; and to accelerate implementation of the NPT-related disarmament obligations and commitments that would, in particular, reduce the world's stockpiles of nuclear weapons and weapons-grade material.

I urge my colleagues and the managers of this bill to support our amendment.

Second, we should expand and accelerate Nunn-Lugar threat reduction programs and provide the necessary resources to improve security and take the rest of the Soviet era nuclear, chemical, and biological weapons arsenals and infrastructure out of circulation.

Third, we should strengthen and expand the ability of the Department of Energy's Global Threat Reduction Initiative to secure and remove nuclear weapons-usable materials from vulnerable sites around the world.

Last year, Senator DOMENICI and I sponsored an amendment to the fiscal year 2005 National Defense Authorization Act that authorized the Secretary of Energy to lead an accelerated, comprehensive, worldwide effort to secure, remove, and eliminate the threat by these materials.

Finally, as I noted previously, we should improve our intelligence capabilities to locate and identify underground targets. There is a lot of improvement needed.

In August, we will commemorate the 60th anniversaries of the two uses of nuclear weapons on Hiroshima and Nagasaki. In Hiroshima, 140,000 people died. In Nagasaki, 100,000 people lost their lives. Two bombs, 240,000 people dead. The 1-megaton bomb of the robust nuclear earth penetrator study is 71 times bigger than the bomb at Hiroshima. That is what we are looking at. For shame.

What message do we send to the survivors of those attacks and to the friends and families of the victims by moving forward with a study to develop a nuclear bunker buster of 1 megaton? Let us acknowledge these anniversaries and pay tribute to the victims by putting a stop to this program once and for all. Let us work together on commonsense programs that will make our country safer without reopening the nuclear door.

I urge my colleagues to follow the House lead, support this amendment and kill this program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. LEVIN. Will the Senator from Colorado yield for a unanimous consent request?

Mr. ALLARD. Yes.

Mr. LEVIN. I have talked to the chairman about this. I ask unanimous consent, with the concurrence of the chairman, after Senator ALLARD has completed, that the Chair then recognize Senator SALAZAR, and following Senator SALAZAR, that then Senator DORGAN be recognized. It is a little bit out of order because we have been going back and forth, but in terms of time, I think it may be a fair apportionment.

Mr. WARNER. Reserving the right to object, I would like to amend it to enable the distinguished Senator from Alabama, whose subcommittee has jurisdiction over at least one of the amendments of Senator ALLARD, be permitted to use such time as he desires in the colloquy between the three Senators.

Mr. LEVIN. I would ask Senator SESSIONS if he could give us an idea as to about how long he would be so Senator DORGAN could plan his time.

Mr. SESSIONS. It would be no more than 5 minutes—less than that, probably.

Mr. LEVIN. Could we then amend the unanimous consent request to include Senator SESSIONS immediately following Senator SALAZAR, then it would go to Senator DORGAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. I thank the Chair.

Madam President, I rise in opposition to the amendment to strike the $4 million appropriation for the robust nuclear earth penetrator commonly known as RNEP. There are some comments made in the debate today to which I would like to add my perspective because they were basically incorrect.

We have been debating this amendment for the past 3 years. And we have been passing this provision in the Senate, defeating any amendments to take it out of legislation. In all the testimony I have had over the past 3 years as chairman of the Strategic Subcommittee, which my distinguished colleague from Alabama now chairs, never once has anybody, in testifying before that committee, said that there will not be any nuclear fallout. Not once have they indicated that they felt this was going to lead us into an arms race.

Here is what we have done. This is what they have talked about, taking some of the nuclear warheads that we now have in our nuclear arsenal and redesigning those in a way in which they might be more effective, if we happen to have a deep bunker that is posing a threat to Americans, whether American soldiers or American citizens.

We need to have a study. That is what this provision is all about. What we are talking about is reducing the amount of collateral damage. That means reducing the amount of, perhaps, nuclear fallout or perhaps reducing the blast range because you take all that energy and you drive it down into the ground instead of driving it in a horizontal direction, which obviously means for collateral damage. They are talking about focusing the study on the B–83 warhead which is part of our arsenal today. That is all we are talking about, a study. We are going to be looking at the current arsenal makeup of weapons that we have to modify them to reduce collateral damage. I think that is a commendable goal. I think it warrants the support of the Members of the Senate.

This bill includes funding of $4 million to continue the Air Force-led feasibility study. This is a study on the robust nuclear earth penetrator. This is not a new issue for Congress to consider. In both the defense authorization and the Energy and Water appropriations bills, amendments have been offered to cut all funding for the robust nuclear earth penetrator. These amendments have been defeated on multiple occasions.

The purpose of the RNEP feasibility study is to determine if an existing nuclear weapon can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets. The Department of Energy has modified nuclear weapons in the past to modernize their safety and security and reliability aspects. We have also modified existing nuclear weapons to meet our new military requirements. Under the Clinton administration, we modified the B–61 so it could penetrate frozen soils. The RNEP feasibility study is narrowly focused to determine whether the B–83 warhead can be modified to penetrate hard rock or reinforced underground facilities.

Funding research on options, both nuclear and conventional, for attacking such targets is a responsible step for our country to take. As many as 70 nations are developing or have built hardened and deeply buried targets to protect command and communications and weapons of mass destruction production and storage assets. Of that number, a number of nations have facilities that are sufficiently hard and deep enough that we cannot destroy most of them with our conventional weapons. Some of them are so sophisticated that they are beyond the current U.S. nuclear weapons capability.

I believe it is prudent and imperative that we fund this study. I emphasize again, this is a study on the potential capabilities to address this growing category of threat.

Should the Department of Energy determine, through this study, that the robust nuclear earth penetrator can meet the requirements to hold a hard and deeply buried target at risk, the Department still could not proceed to full-scale weapon development, production or deployment without an authorization and appropriation from Congress. Let me repeat that. The Department of Energy cannot go ahead, beyond this study, without the express authorization or appropriation from Congress.

Frankly, we should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets. That is the purpose of the study. Then Congress could have the information it would need to make a responsible decision as to whether development of such a program is appropriate and necessary to maintain our Nation's security.

Again, I urge my colleagues to oppose the amendment before us.

AMENDMENT NO. 1418

Mr. ALLARD. Madam President, I ask unanimous consent to lay aside the pending amendment so I may offer a number of amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Madam President, I send to the desk amendment No. 1418.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. MCCONNELL, proposes an amendment numbered 1418.

Mr. ALLARD. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program)

On page 66, after line 22, insert the following:

SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

AMENDMENT NO. 1419

Mr. ALLARD. Madam President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1419.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 1419.

Mr. ALLARD. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this section referred to as the ''Site''), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) ELIGIBILITY FOR BENEFITS.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) DEFINITIONS.—In this section:

(1) HEALTH, MEDICAL, AND LIFE INSURANCE BENEFITS.—The term ''health, medical, and life insurance benefits'' means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) PHYSICAL COMPLETION DATE.—The term ''physical completion date'' means the date

the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term ''plan sponsorship and program management of post-project completion retirement benefits'' means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, $15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

Mr. ALLARD. Madam President, I rise to discuss amendment No. 1419 and the incredible achievements of the workers at the Department of Energy's Rocky Flats environmental technology site and to offer an amendment on behalf of these workers. Rocky Flats is located a few miles northwest of Denver, CO. For four decades, this facility was the Department of Energy's dedicated site for manufacturing plutonium pits for the U.S. nuclear weapons stockpile.

This highly classified production facility was run by over 8,000 Coloradans who worked day and night for most of the Cold War and used some of the most dangerous substances known to man, including plutonium, beryllium, and uranium. The workers at Rocky Flats were devoted to their jobs and believed in their mission. They risked their lives on a daily basis and did so with the knowledge that their efforts were contributing to the security of our Nation. They are heroes of the Cold War and have earned our respect, admiration, and our appreciation.

When plutonium pit production ended in 1991, it was unclear what role these workers would play in the cleanup of Rocky Flats. They could have walked away from the job. They had performed their duty with excellence for nearly 40 years. No one could ask them to do more. Yet the workers at Rocky Flats were not ready to quit. They saw a new challenge in front of them—a challenge they could not walk away from. They knew the cleanup would be difficult and very dangerous, but they were not deterred.

These workers stayed and, over the next decade, they performed magnificently. Their task was anything but simple. Five large plutonium processing facilities encompassing over a million square feet were highly contaminated with dangerous radioactive material. The contamination was so severe that these buildings were ranked among the top 10 contaminated facilities in the DOE nuclear weapons complex. Building No. 771, in particular, was even singled out by the national media as ''the most dangerous building in America.''

The cleaning and eventual demolishing of these buildings was just the beginning. Hundreds of vials of contaminated process piping interlaced the complex. More than a dozen infinity rooms were so contaminated that they had been sealed and abandoned—some for as long as 30 years. Hundreds of tons of plutonium compound, uranium byproducts, and other radioactive and toxic residues remained at Rocky Flats.

Yet the workers at Rocky Flats were not deterred. They had built components using some of the most dangerous substances the world has ever known. Now they were ready to tackle one of the most dangerous cleanup projects ever contemplated.

In 1992, Rocky Flats was transferred to the DOE's environmental management program for the purpose of cleaning up the contamination and waste. Few knew where to begin. The unprecedented size and magnitude of the project was simply daunting. It took years to just figure out the best approach to the project. The expected cost was also staggering. In 1995, the cleanup was predicted to cost upward of $35 billion and to take 70 years to complete.

When I came to the Senate in 1996, the cleanup of Rocky Flats had been dragging out for nearly 4 years with little progress. Tons of weapons-grade plutonium remained and most buildings at Rocky Flats had not been touched. More than 2 million 55-gallon drums of waste needed to be removed.

I found this lack of progress simply unacceptable. The safety of the people of Colorado was at risk and the American taxpayer could ill afford to allow this project to drag on indefinitely. At my urging, the DOE, in 2000, finally put the resources into accelerating the cleanup of Rocky Flats. Under the leadership of then-Under Secretary Bob Card, and then-Assistant Secretary Jesse Roberson, the DOE took the unprecedented step of rethinking its approach to the cleanup. These creative leaders challenged the lead contractor, CH2M HILL, and the workers at Rocky Flats to move much more aggressively. They were given the seemingly impossible mission of completing the cleanup of the massive contamination at Rocky Flats by 2007, at a cost of less than $7 billion.

Most scoffed at this approach. They believed there would be considerable cost overruns and schedule delays. They didn't think CH2M HILL could effectively execute this kind of contract. Most of all, they doubted the commitment of the workers at Rocky Flats. They could not fathom why these workers would work themselves out of a job. Even the GAO doubted the ability of the workers at Rocky Flats to ship massive quantities of waste required to achieve closure by 2006.

I, however, had faith in the workers at Rocky Flats. I am pleased to state today that Kaiser-Hill and the workers at Rocky Flats have not disappointed me. In fact, it appears that Kaiser-Hill and the workers at Rocky Flats are far exceeding their cleanup commitments.

I cannot express the full extent of how proud I am of their achievement. Listen to some of their accomplishments: All weapons grade plutonium was removed in 2003.

More than 1,400 contaminated glove boxes and hundreds of process tanks have been removed.

More than 400,000 cubic meters of low-level radioactive waste has been removed.

Six hundred and fifty of the eight hundred and two facilities have been demolished.

All four uranium production facilities have been demolished.

All five plutonium production facilities have been demolished or will be within the next 3 months.

Three hundred and ten of three hundred and sixty sites of soil contamination have been remediated.

The last shipment of transuranic waste was shipped this past April.

It now appears that the cleanup of Rocky Flats will be completed—completed—as early as this October, a full year ahead of schedule, and save the American taxpayers not thousands, not millions, but billions upon billions of dollars.

Mr. President, you can only appreciate the magnitude of this accomplishment when you realize that within 6 years, Rocky Flats will have been transformed from one of the dangerous places on Earth to a beautiful and safe natural wildlife refuge.

I applaud the leadership provided by CH2M HILL. The management expert provided by this company was critical to this effort. Kaiser-Hill took the challenge head on despite the tough schedule and limited funding. The company can be proud of its accomplishments and its contribution to the safety of the people of Colorado.

Yet CH2M HILL could not have achieved the demanding goals established by the Department of Energy without the hard work and determination of the Rocky Flats workers. Most of these workers had to literally develop an entire new skill set. They went from manufacturing plutonium pits to dismantling glove boxes. They cleaned up rooms that were so contaminated that they were forced to use the highest level of respiratory protection available.

Perhaps more important, these workers were extraordinarily productive even though they knew they were essentially working themselves out of a job. With the completion of the cleanup and closure of Rocky Flats, they knew they would have to find employment elsewhere. There was no guarantee that the next job would pay as much or provide the same level of benefits.

Despite knowing they were going to lose their jobs, the workers at Rocky Flats remained highly motivated and totally committed to their cleanup

mission. They believed in what they were doing and worked hard to clean up the facility as quickly and as safely as possible. They achieved more in less time and with less money than anyone dreamed possible. I am proud of the workers at Rocky Flats. I believe they have once again earned our Nation's sincere appreciation and respect.

Given the sacrifice and dedication demonstrated by these workers, you would think the Department of Energy would do everything it could to ensure that these workers received the compensation and benefits they have earned.

You would think assisting those workers who lose their retirement benefits because of the early completion of the cleanup would be a top priority of the Department. After all, these workers saved the Department billions upon billions in cleanup costs.

Last year, it became clear to the DOE and to me that the cleanup at Rocky Flats could be completed much earlier than anyone expected. The workers were supportive of early closure but were concerned that some of their colleagues would lose retirement benefits because of early closure.

I share their concern and requested in last year's Defense authorization bill that the DOE provide Congress with a report on the number of workers who would not receive retirement benefits and the cost of providing these benefits. After a lengthy delay, the DOE reported that about 29 workers would not receive pension and/or lifetime medical benefits because of early closure. The cost of providing benefits to these workers is estimated to be just over $12 million.

To my dismay, I discovered the DOE's report was woefully incomplete. I was subsequently informed that at least another 50 workers would have qualified for retirement benefits had the DOE bothered to include those workers who had already been laid off because of the accelerated closure schedule.

Mr. President, this means as many as 75 workers at Rocky Flats will lose their pensions, medical benefits, or, in some cases, both because they worked faster, less expensively, and achieved more than they were supposed to. They not only worked themselves out of a job but also out of retirement benefits and medical care.

I find the Department of Energy's refusal to pay these benefits to be outrageous.

Many of the workers at Rocky Flats served our Nation for over two decades. They have risked their lives day in and day out, first by building nuclear weapon components, and then by cleaning up some of the most contaminated buildings in the world. All they have asked for in return is to be treated with fairness and honesty.

To my disappointment, and to the disappointment of the workers at Rocky Flats, the DOE cannot seem to keep its end of the bargain.

These workers would have received retirement benefits had the cleanup continued to 2035, as originally predicted. The workers would have received their retirement benefits had the cleanup continued to December 15, 2006, as the site contract specified. But by accelerating the cleanup by over a year and saving the taxpayers hundreds of millions of dollars, these workers are left without the retirement benefits they deserve and, I feel, have justly earned.

Mr. President, the Department's refusal to provide these benefits has ramifications far beyond Rocky Flats. Because Rocky Flats is the first major DOE cleanup site, workers at other sites around the country are watching to see how the DOE treats the workers at Rocky Flats. Unfortunately, they have seen how the DOE has failed to step up and provide retirement benefits to those who have earned it.

The workers at other sites now have no incentive to accelerate cleanup. Why should they? The Department of Energy hasn't lifted a finger to help the workers at Rocky Flats. It would be foolish for workers at other sites to think the DOE would act fairly with them if they accelerated cleanup.

To me, the Department's decision is penny-wise and pound-foolish. By refusing to provide these benefits, the Department saves money in the short term. Yet by discouraging the workers from supporting acceleration, the Department is going to cost the American taxpayers hundreds of millions in additional funding in the long run.

I believe Congress needs to correct the Department's mistake before it is too late.

Today, I offer an amendment that will provide some of the benefits to those workers who have lost them because of early closure. I am pleased that my colleague from Colorado, Senator SALAZAR, has agreed to cosponsor this important amendment. I support his bipartisan effort. The amendment is narrowly focused on providing health, medical, and life insurance benefits to those workers affected.

This amendment is limited in the funding it provides. It is solely focused on providing these benefits to those workers who would have received health, medical, and life insurance benefits had the site remained open until December 15, 2005, the date of the site cleanup contract.

To be clear, these benefits are not an additional bonus for a job well done, nor is it a going away present for those two decades of service. The health, medical, and life insurance benefits are what these workers have already earned—nothing more, nothing less.

I urge my colleagues to support this amendment. These workers have earned these benefits, and it is up to this body to see they receive it.

Let's not let the bureaucrats in the Department of Energy tarnish the credibility of the Federal Government. It is time for this body to correct this mistake before the Department's foolishness costs the American taxpayers even more money in the future.

I yield the floor.

Mr. SESSIONS. Madam President, I think under the UC, I was given a few minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator ALLARD for his leadership in the Senate and for his leadership on nuclear issues. There is no one who understands the issue more. No one has been more committed to effectively and efficiently eliminating the difficulties at Rocky Flats than he has, and the Nation is in his debt. That I say with certainty.

At one time in my life, I was a U.S. attorney and am aware that Federal officials are limited in certain of their powers. Somebody might say they have earned something, but maybe they have not legally earned it. And if they have not legally earned it, they cannot be paid for it.

I don't know where we will come out with this amendment the Senator has offered. I know how committed Senator ALLARD and Senator SALAZAR are to helping these employees, but I note that as I understand it, these are not governmental employees but employees of a private contractor. That complicates matters, to say the least.

We are talking about providing benefits to employees of a private contractor over and above the collective bargaining agreement they had. Since this program has been scheduled to be completed, they did have benefits in the agreement for them for early termination and early generous payments when this contract ended.

I say to my friend how much I respect him. I am telling you, Madam President, he is working. He has almost shut down the Senate over this issue, but I am not sure we can ask the Department of Energy and I am not sure this Congress can take this step. We are closing BRAC sites around the country. We have a chemical weapons facility in my State destroying poison gases. I hope it finishes early. I am not sure we can give every private contractor employee a bonus. Presumably the company had that in their contract.

Those are the problems with which we are dealing. It is not a lack of concern. It is real difficulties that exist. I salute both Senators from Colorado for their interest in these employees. I share those concerns.

Mr. ALLARD. Will the Senator from Alabama yield?

Mr. SESSIONS. I will be pleased to yield. I have just a minute, as I know the Presiding Officer is committed to leaving and I am supposed to replace her.

Mr. ALLARD. Madam President, I appreciate the fine work of the Senator from Alabama, a good friend of mine. There are a couple points I would like to make.

The workers at Rocky Flats were paid by Federal dollars. They were not technically employed by the Federal Government. Their benefits were paid by the Federal Government. There is a commitment there, in my view. This amendment tries to correct any legal problems we may have there.

Again, I appreciate the concern and interest the chairman of the Subcommittee on Strategic Affairs has toward this issue. I hope somehow we can resolve this in all fairness, not only to the taxpayers but also to the workers.

Mr. SESSIONS. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, before my colleagues depart—I have been engaged in a wide variety of activities here—can the Senator advise me, through the Chair, are these to be pending amendments to be voted on? Is there to be a further period of debate? We want to accommodate the Senator's desire if he could give us a clarification of the procedures he hopes to have.

Mr. ALLARD. Madam President, we may very well have to vote on these pending amendments. I would like to have them available for that purpose. I would like to continue to talk with the staff of the Department of Energy and the chairman and his staff. But if necessary, I would like to have an opportunity to have a vote on this amendment.

Mr. WARNER. Would the Senator consider seeking the votes now so they are in that category? Does the Senator wish to have a rollcall vote, Madam President?

Mr. ALLARD. The proper request is, I ask for their consideration.

The ACTING PRESIDENT pro tempore. The amendments are pending.

Mr. WARNER. I think that is sufficient clarification.

Mr. ALLARD. We would like to have a vote on the amendments.

Mr. WARNER. At the appropriate time, we can arrange that.

I thank the distinguished Senators from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise in strong support of amendment No. 1419 offered by Senator ALLARD, my good friend from Colorado. I fully support it. I think it demonstrates the bipartisan nature of this particular amendment.

Let me make two points with respect to Rocky Flats. First and foremost, I think this Nation should be very grateful to the workers of Rocky Flats for having done what they did during almost five decades to make sure we did everything within our power to bring about an end to the Cold War. The men and women who worked at Rocky Flats were principally responsible for creating the nuclear arsenal we had in our Nation that allowed us to be strong during the Cold War, that allowed us to then bring the Cold War to an end.

At the same time, it is important for us to recognize that within the Department of Energy complex today, there are numerous sites that are undergoing very difficult, very complex, and very expensive cleanups. The men and women of Rocky Flats, who have been working there for decades, have been the ones who have taught the United States of America, including the Department of Energy, what it is we have to do to make sure we can move forward with an efficient, effective cleanup that will cost less money.

Indeed, the contract for the cleanup of Rocky Flats had called for that contract to be completed at the end of this year, 2005. But because of the good work of the men and women at Rocky Flats, that schedule has been expedited.

Indeed, when one looks back at the history of Rocky Flats over the last several years, there was a time when it was thought Rocky Flats would not be cleaned up and ready for closure until 2010. Later it was 2007, and moved back to 2006. Yet employees working with CH2M HILL at Rocky Flats have brought the conclusion of Rocky Flats to probably October of this year, which is only a few months away.

For the employees who worked at Rocky Flats during this timeframe, they had an expectation that the contract would be in place through the end of December 31, 2005. The amendment which has been authored by Senator ALLARD and by myself and offered to our colleagues to consider simply recognizes the contribution of these employees so they are, in fact, made whole.

With all due respect to my friend from Alabama, I have to say these employees were Federal employees and were brought in to continue the work that had to be done there at Rocky Flats with respect to the cleanup.

The amount of money we are asking for in this amendment is a small amount relative to the billions and billions of dollars that have been spent in the Department of Energy complex and cleanups that have not been as successful as the one at Rocky Flats.

I join my colleague Senator ALLARD in urging bipartisan support for this amendment because it recognizes, first, the men and women who helped us bring about the end of the Cold War and, second, the men and women who helped us demonstrate to this country how it is you take a facility contaminated with plutonium and how it is you clean it up in record time, and which will serve as a model for America as we move forward in the cleanup of DOE facilities.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Dakota.

AMENDMENT NO. 1415

Mr. DORGAN. Mr. President, I have come to the floor to offer a couple of amendments. First I will say a few words about the amendment offered by the Senator from Massachusetts and the Senator from California. Senator FEINSTEIN was speaking on it when I came to the Chamber today. That is the question of money that is designated to begin research on the construction, hopefully, according to those who want it, of an earth penetrating bunker buster nuclear weapon.

There is somewhere in the neighborhood of 25,000 to 30,000 nuclear weapons on this Earth. Mr. President, 25,000 to 30,000 nuclear weapons exist on this Earth. And now we have people talking about building new nuclear weapons in this country, building designer nuclear weapons, creating a new category of nuclear weapons, beginning to test nuclear weapons once again. That strikes me as pretty foolhardy because our responsibility as the world's superpower is to lead in a direction that tries to prevent nuclear weapons from ever entering into the hands of terrorists or rogue nations or adversaries. Our leadership responsibility is to try to stop the spread of nuclear weapons, to convince others not to build nuclear weapons.

Let me read from Time magazine, March 11, 2002.

> For a few harrowing weeks last fall, a group of U.S. officials believed that the worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October, an intelligence alert went out to a small number of Government agencies, including the Energy Department's top secret Nuclear Emergency Search Team based in Nevada. The report said terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City.
>
> The source of the report was an agent code name Dragonfire who intelligence officials believed was of ''undetermined'' reliability. But Dragonfire's claim tracked with a report from a Russian general who believed his forces were missing a 10-kiloton nuclear weapon.
>
> Since the mid-'90s, proliferation experts have suspected that several portable nuclear devices might be missing from the Russian stockpile. That made this Dragonfire report alarming. So did this: Detonated in lower Manhattan, a 10-kiloton bomb would kill some 100,000 civilians. . . . And counterterrorist investigators there went on their highest state of alert.

That was from Time magazine, March of 2002. Many of us heard reports of this before. It said following 9/11 in October of that year, there was a rumor that intelligence officials took seriously that terrorists had acquired a nuclear weapon and were intending to smuggle that nuclear weapon into a major American city and detonate it.

Interestingly, no one believed it was impossible for someone to have obtained a nuclear weapon. There are 25,000 to 30,000 nuclear weapons on this Earth. We hear the stories about the then-Russian nuclear stockpile of thousands of weapons without adequate control and maintenance, some reports about the command and control of those weapons being dealt with with pencil notations and notebook paper. So it was not beyond the pale that someone could have stolen a nuclear

weapon. Neither did intelligence officials doubt that having stolen a nuclear weapon, terrorists would be able to find a way to detonate a nuclear weapon.

Why do I mention this? Because with the thousands of nuclear weapons that exist in this world, the acquisition of one nuclear bomb by a terrorist group detonated in a major city in this country or in other countries will cause a catastrophe unlike any we have ever known.

(Mr. LUGAR assumed the Chair.)

That ought to persuade us that our responsibility is to do everything humanly possible, as the world's most powerful nation, to stop the spread of nuclear weapons, to prevent terrorists in rogue nations from ever acquiring nuclear weapons, and to begin reducing the number of nuclear weapons. That is our leadership responsibility. That responsibility falls to our country and yet we have people who say, well, not to worry about that; in fact, let us talk about building new nuclear weapons; let us design different nuclear weapons. There is even talk about potentially using a nuclear weapon. There is discussion about beginning testing nuclear weapons. I think that sort of thing is reckless because it sends a signal to the rest of the world that we are not really serious about trying to reduce the number of nuclear weapons in this world.

We should be serious about it. It ought to be the highest priority for this country to stop the spread of nuclear weapons, halt the ability of terrorists to ever acquire a nuclear weapon with which they would threaten thousands, tens of thousands, hundreds of thousands of people.

This Defense authorization bill is spending a great deal of money on an antiballistic missile defense system, kind of a catcher's mitt, in case a terrorist organization or rogue nation would launch an intercontinental ballistic missile against our country with a nuclear warhead. This antiballistic missile program is kind of a catcher's mitt to go up and catch a speeding bullet and hit it with another speeding bullet. Frankly, it is the least likely threat to this country. The threat that a terrorist organization or a rogue nation would acquire an intercontinental ballistic missile armed with a nuclear warhead and then shoot it at our country, that is one of the least likely scenarios.

The most likely scenario would be a terrorist or rogue nation acquiring a nuclear weapon through theft or some other device and then deciding to put it in the trunk of a rusty car sitting in a dock in New York City or putting it in one of the many containers that show up at an American port on a container ship. After all, there are 5.7 million containers that show up at our ports. Only a very small percentage are ever inspected. That is a much greater, much more likely threat to this country.

I have great concern about those who talk so easily about our country building new nuclear weapons, perhaps even using a nuclear weapon. We have heard that language in recent years, talking about the need to create designer nuclear weapons. Our responsibility is far greater than that. I believe our responsibility as a world leader is to lead in the direction of preventing the spread of nuclear weapons; to do everything humanly possible to prevent the spread of nuclear weapons; to do everything humanly possible to control the nuclear weapons that now exist and safeguard those nuclear weapons that now exist.

Since the Presiding Officer is from the State of Ohio, I will show something I have shown many times that is in my desk. I ask unanimous consent to show my colleagues two pieces of information.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This happens to be from a wing strut of a backfire bomber that the Soviets used to fly when we were in the Cold War. My assumption perhaps is that this bomber carried nuclear weapons. In the Cold War, the nuclear weapons on top of missiles were aimed at our country. The nuclear weapons carried in the bomb bay of a backfire bomber did not mean good things for our country.

How did I acquire a piece of an airplane that was part of a Soviet bomber? This happens to be sawed off the wing of that airplane. It was sawed off the wing of an airplane at American taxpayer expense, one of the most successful things we have ever done. The reason I mention it now is the Presiding Officer's name is on that legislation, and through a program advanced by Senators LUGAR and NUNN, we have had remarkable success in reducing the weapons delivery systems.

This is from a bomber. This is the ground-up copper wire of a submarine that used to stealthily move under the waters of our oceans, again with nuclear weapons, with warheads prepared to aim at American cities. How did I acquire copper wire from a submarine that belonged to the Soviet Union? That submarine was taken apart, dismantled, as a result of arms control agreements that dismantled weapons delivery systems that at one point threatened America.

It is now in this form, a piece of a bomber and copper wire from a submarine, which I hold in my hand on the Senate floor because programs like the Nunn-Lugar program, things like arms control agreements, do work and can work to reduce the threat in this country. I have had this in my desk for some while and have used it only to demonstrate that our responsibility as a world leader is to lead in the direction of doing everything humanly possible to reduce the number of nuclear weapons on this Earth, to stop the spread of nuclear weapons to rogue nations, terrorists, and other countries that desperately wish to acquire them, and to safeguard the nuclear weapons that already exist in our arsenal to make certain that they are not acquired by other interests.

That is a diversion from the point I was making but an important one, I think. I came here to say that I support the amendment that has been offered today. I do not support the spending of money for the development of a designer nuclear weapon, bunker busters, whatever it might be called. It seems to me that is moving in exactly the wrong direction.

Since I think the most likely threat is a stolen nuclear weapon put in the trunk of a rusty car at an American dock or an American city, I would hope that we would begin to spend as much time and resources dealing with the most likely threats as we do dealing with the most unlikely threat, and that is the spending of billions and billions of dollars to create an electronic catcher's mitt, an antiballistic missile system, in the belief that a rogue nation or a terrorist would acquire an ICBM and then arm it with a nuclear warhead.

Could that conceivably happen? Perhaps, but it is the least likely threat we face from terrorists. The most likely threat is the theft of a nuclear weapon and the placement of that in the trunk of a car or in a container on a ship, and I hope we will spend as much time worrying about that and dealing with that as we do the other.

Again, that is sort of a long way of saying I support the amendment that has been offered to strip the funding for the robust nuclear earth penetrator bunker buster.

AMENDMENT NO. 1426

I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1426.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001)

At the end of subtitle G of title X, add the following:

SEC. 1073. SENSE OF SENATE ON DECLASSIFICATION OF PORTIONS OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the hijackers involved in the September 11, 2001, terrorist attacks while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the September 11, 2001, terrorist attacks.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing content entirely.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should declassify the 28-page section of the Joint Inquiry into The Terrorist Attacks of September 11, 2001, that deals with foreign sources of support for the hijackers involved in the September 11, 2001, terrorist attacks; and

(2) only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. This amendment that I have offered is a sense-of-the-Senate amendment and it deals with this booklet. It is, as published, December 2002, ''A Joint Inquiry Into the Intelligence Community Activities Before and After The Terrorist Attacks of September 11, 2001,'' a report of the U.S. Senate Select Committee on Intelligence and the U.S. House Permanent Select Committee on Intelligence, dated December 2, 2002.

It was the first evaluation of intelligence related to the attack against this country on September 11, 2001.

On page 395, and I will read a portion of it, it begins a discussion about something that is very sensitive and then it turns to 396 and subsequent pages. As we can see, those pages are blank. There are 28 pages in the middle of this book that are blank. They are blank because they are classified at the moment as top secret. Members of Congress can, under certain conditions, go and read this top secret material. I and a good number of my colleagues have. Previously, I and other colleagues have as well brought to the attention of the Senate the need for this information to be declassified.

The amendment that I offer is very simple. It says that the President should declassify the 28-page section of the joint inquiry into the terrorist attacks of September 11 that deals with foreign sources of support for the hijackers involved in the September 11, 2001, attack.

The American people have been prevented from seeing this. I will, in a moment, quote from Senator SHELBY and Senator GRAHAM, then-chairman and vice chairman of the Intelligence Committee in the Senate, both of whom felt that this information should be made available to the American people. But it has never been made available to the American people.

Let me read the page prior to the 28 pages that have been redacted. Page 395:

Finding: Through its investigation, the Joint Inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.

Fifteen of the nineteen hijackers were citizens of Saudi Arabia. The finding says they developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States. The joint inquiry's review confirmed that the intelligence community also has information, much of which has yet to be independently verified, concerning these potential sources of support.

Instead, the Joint Inquiry referred a detailed compilation of information it had uncovered in documents and interviews to the FBI and CIA for further investigation by the Intelligence Community and, if appropriate, law enforcement agencies.

It talks then at the end of this page about the joint inquiry, which states:

It was not the task of this Joint Inquiry to conduct the kind of extensive investigation that would be required to determine the true significance of such alleged support to the hijackers. On the one hand, it is possible that these kinds of connections could suggest, as indicated in a CIA memorandum, ''incontrovertible evidence that there is support for these terrorists,'' blank, blank, blank.

At that point, it is redacted.

This was classified at the White House. These documents went to the White House, then to be published publicly, and prior to publication 28 pages were classified top secret. That is why in the middle of this booklet we see 28 pages with no information.

There was a call to declassify it because a substantial amount of information in the press and elsewhere raised questions about this issue.

I will read from The Washington Post at this point in time, December 12, 2002:

Leaders of the congressional panel ending an investigation of the September 11, 2001, terrorism attacks yesterday accused the administration of refusing to declassify information about possible Saudi Arabian financial links to U.S.-based terrorists because the material would be embarrassing and would heighten political tensions with the desert kingdom.

Continuing from The Washington Post:

In releasing the panel's final report on the intelligence agencies' performance before the attacks, Sen. Bob Graham (D-Fla.), chairman of the Senate intelligence committee, and Sen. Richard C. Shelby (R-Ala.), the vice chairman, said the information on Saudi Arabia should be made public to inform the public about a continued source of support for anti-American terrorism groups. Doing so also would put more pressure on the U.S. government to force the Saudis to sever their financial links to charities and individuals who support terrorism, they said.

In other comments, Senator SHELBY said that he believed 90 to 95 percent of this should be made available to the American people and would not compromise any intelligence sources.

The President was asked about this issue. He was asked actually in a Rose Garden appearance back at that point before a meeting with King Saud, where the President said he had no qualms at all about rebuffing the request to release this information publicly because he said there is an ongoing investigation into the 9/11 attacks, and we do not want to compromise the investigation.

Well, even the Ambassador from Saudi Arabia to the United States called for the release of this information because there was substantial speculation about what it said. I cannot say what it said on the Senate floor because it is top secret. I can read what Senator SHELBY has said and what Senator GRAHAM said on the Senate floor. I can show that in this report there are 28 pages which the American people are not allowed to see. I can say that there are published reports—and I have read them into the record now from The Washington Post and others and I will read into the record, if it is necessary, the comments from my two colleagues who were the chairman and ranking member of the Intelligence Committee, that references Saudi Arabia. The point is even the Government of Saudi Arabia suggested and said publicly that this material should be declassified and made public.

Senator SHELBY, the vice chairman of the congressional inquiry at that point, reiterated his view that 90 to 95 percent of the classified pages could be released without jeopardizing national security.

My point is this. I have reviewed the top secret material. I am sure many of my colleagues have. They all should. It contains information that the American people have a right to see.

Let me again read the lead to the 28 redacted pages. Again, I am reading from the Joint Intelligence Committee Report:

Through its investigation, the joint inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.

Every Member of the Senate should read that top secret material. But every American citizen should have access, to understand what it says, because it should not be classified. It is unfair. It is unfair to the American people, and I submit it is unfair to Saudi Arabia. The Saudi Arabian Government has said it ought to be unclassified.

I have on a previous occasion offered this amendment to the Senate. There was an objection, so I offer the same amendment again today. It is now 4 years from the date of that attack. It is now long past the time when investigation is ongoing. The President said he would not declassify this because

there is an ongoing investigation into 9/11, and we don't want to compromise it. That investigation by the 9/11 Commission, authorized by the Congress—that investigation is over. So this excuse is no longer an excuse.

I submit the American people have a right to know if there were those who provided support to the 9/11 terrorists who were in this country and preparing to launch the attack on 9/11. If there were those foreign governments, foreign interests, or as the report indicated simply, ''foreign sources of support,'' then the American people have a right to know.

My amendment is a very simple amendment, painfully simple. Once again, I offer it to say it is the sense of the Senate that this information shall be declassified. We ask the President to declassify this information and see that it is made available to the American people.

I was intending to read this. I think I shall not—perhaps just a paragraph or two of it.

My colleague, Senator GRAHAM from Florida, who in fact stood at this desk and made this statement, he was then-chairman of the Intelligence Committee. Senator SHELBY, who I described as chairman, was chairman at one point, and then Senator GRAHAM as the ranking member, and then it switched and Senator GRAHAM was chairman. During this particular time, Senator GRAHAM, as chairman, and Senator SHELBY, as vice chairman, both agreed that the bulk of this ought to be made available to the American people. Let me just quote the statement made on the floor of the Senate by our colleague, Senator GRAHAM, the chairman of the Intelligence Committee. He is describing this.

This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in the United States.

There are two big questions yet to be answered. Why would this government have provide the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.

My own hypothesis—and I will describe it as that—

I am continuing to quote Senator GRAHAM—

is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance.

I continue to quote Senator GRAHAM of Florida.

An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

That is a response from the chairman of the Senate Intelligence Committee, not some partisan, with sentiments echoed largely by the vice chairman of the committee, about the top secret classification of those 28 pages.

My amendment, once again, simply says I believe the American people have the right to know what is on these pages. These 28 pages are blank. I know what is there. Some of my colleagues know what is there because we are able to see top secret material. The American people don't know what is there, and they should.

Having read it, I simply say they ought to have the right to see it as well, and my amendment is a sense-of-the-Senate amendment that would ask the President to make available, to declassify this material, so there are no longer questions about what it says.

Mr. WARNER. Mr. President, I thank my distinguished colleague, and I assure him, in consultation with the chairman and indeed the ranking member of the Senate Intelligence Committee, his amendment will be given every careful consideration.

Mr. President, at this time I know there is another Senator.

Mr. DORGAN. Mr. President, I am not finished. I thought you were asking me to yield for a question.

Mr. WARNER. Yes, I wasn't quite certain. I thought there was a brief time in which you were going to address the Senate. I am trying to accommodate one of your colleagues.

Mr. DORGAN. I have one additional amendment.

Mr. WARNER. Can the Senator advise the Chair and the Senate the time you would require?

Mr. DORGAN. I indicated to my colleague I would be speaking about 20 minutes, but I have one additional amendment that probably will take about 10 minutes.

Mr. WARNER. Very well, Mr. President. We will all wait that period of time. Thank you.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from North Dakota, if it is not already locked in, then the Senator from Colorado be recognized to introduce three amendments which will take a total of—about how long?

Mr. SALAZAR. Mr. President, approximately 15 minutes.

Mr. LEVIN. Approximately 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding was we had ample time this afternoon. I will truncate my remarks. I had intended to speak longer than 10 minutes, but I don't want to disadvantage my colleague on the floor or disadvantage those managing the bill. I will come back on Monday and speak at greater length about the amendment I will offer now and keep my comments short at this moment.

Mr. WARNER. I would very much appreciate it if the Senator will accommodate the Senate in that way.

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1429

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

Mr. DORGAN. Mr. President, I offer an amendment for myself, Senator DURBIN, and Senator LAUTENBERG. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN, and Mr. LAUTENBERG, proposes an amendment numbered 1429.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DORGAN. Mr. President, this is an amendment that deals with a subject I have previously brought to the floor of the Senate, so far unsuccessfully, but my hope is this time perhaps I will have better luck. It deals with the question of dramatic waste, fraud, and abuse in contracting, particularly with respect to the war effort in Iraq.

In the early 1940s, 1941 to be exact, Harry Truman, a Democrat from the State of Missouri, serving here in the Senate when a Democratic President was in the White House, decided that he wanted to have an investigation of what he considered substantial waste, fraud, and abuse in Pentagon spending and spending by contractors. I am sure it was uncomfortable for a Democrat in the White House to have a member of his own party in the Senate pushing, but he did. He kept pushing as only Harry Truman could, and created finally a Truman committee, a special committee. They held hearings all around the country. They were relentless. They found massive amounts of waste, fraud, and abuse in spending—yes, even during the war effort. It was, perhaps, uncomfortable for everybody that this was going on, that this kind of inquiry existed. But Harry Truman was not about to take a ''no'' answer

from anybody, so he pushed and pushed.

Finally, it came on the radar screen in the Senate that when you spend money, particularly when you are at war, you can't have people profiteering. It has to be spent effectively in support of this country's interests in support of our troops.

We have a war in Iraq. We have soldiers in harm's way in Afghanistan. We are moving massive quantities of money out the door in the Congress—$81 billion here, $45 billion there, $55 billion there. It is, in many cases, going to contractors—some substantial amounts to replenish Defense Department accounts, but a substantial amount to contractors.

We hear substantial waste, fraud, and abuse. It almost makes you sick. This is a picture of $2 million wrapped in Saran wrap. In fact, the guy standing right here said they were playing football, playing catch with bundles of hundred-dollar bills. What were they doing with this? They were actually giving money to contractors in Iraq. Contractors were told: Bring a bag, we pay in cash. Bring a bag because we pay in cash over here.

This picture shows what was going on. The guy who did this testified before a committee at a hearing that I held. I don't need to go through a lot of charts, but ''Uncle Sam Looks Into Meal Bills, Halliburton Refunds $27 Million.''

We had one example: Halliburton corporation charging the American taxpayer. They were feeding 42,000 a day—at least that is what they were charging for, 42,000 meals a day. Guess what. They were only serving 14,000 meals a day.

I came from a small town that had a really small restaurant. I can understand them missing a cheeseburger or two, but a corporation that overcharges the Federal Government for feeding soldiers by 28,000 meals a day?

Then we had another hearing. We had one of the food service supervisors in Iraq who works for a subsidiary of Halliburton. He said we were feeding food that was outdated and expired, expired stamps on it by as much as a year.

I see the Washington Times had a little blurb today. They mentioned that. People were writing in and saying: That is nothing, we used to eat old K rations. Does anybody believe it is right that when we send our soldiers to Iraq and we have food hauled over by a contractor and we pay for good food to be fed to our troops, and then they end up with food that is expired for a year, they say that is OK, serve it to the troops; and if a convoy comes through and is subject to attack the supervisor says, you grab that food out, pull the shells out and shrapnel out, and feed it to the troops. I put that testimony in the RECORD.

Let me tell you, a top civilian official at the Corps of Engineers, involved in awarding sole-source contracts to companies like Halliburton—and there are more involved—the top civilian official is a wonderful woman with a wonderful record who has worked for years for this country. Here is what she said. And by the way, she is paying for it with her career because whistleblowing is not looked upon with favor by the old boys network. Here is what she said, Bunny Greenhouse:

> I can unequivocally state that the abuse related to the contracts awarded to K.B.R. Halliburton represents the most blatant and improper contract abuse I have witnessed during the course of my professional career. She is paying for this bit of honesty with her career because the good old boys don't like to hear that.

The question is, for all the things that are being done—payment to have a room air conditioned, have the contractor come pick up a bag of cash, and it goes to a subcontractor—pretty soon the American taxpayers' payment to have room air conditioning, turns out the room has a little fan in it and we paid for air conditioners.

It is unbelievable what is going on. There are 85,000 brand new trucks left on the roadside because they had a flat tire, to be trashed and torched. Plugged fuel pumps? Dump the truck.

It is unbelievable what is going on in waste, fraud, and abuse. I have held five hearings in the policy committee on this. We had whistleblowers who have the courage to show up and talk about what is going on. There are 50,000 tons of nails laying in the sands of Saudi Arabia because they ordered the wrong size, so they dump them on the sands. The American taxpayer will pay for that. Need some towels for troops? The Halliburton subsidiary orders towels for troops and they nearly doubled the cost of the towels so they could put their logo on the towels.

Yes, it is going on all the time. It is unbelievable. And nobody does a thing about it. Nothing. Do you think this Congress is holding aggressive oversight hearing? None. Nobody is interested. Why? Because it would embarrass somebody. Meanwhile the American taxpayer is taking a bath and the troops are being poorly served, in my judgment, with this sort of nonsense.

My amendment is simple. I will speak at some length on Monday. I want to truncate this for the sake of the time problems my colleagues have. My amendment is very simple. My amendment calls for the establishment of a Truman-type committee again that would do the oversight that is not being done by this Congress. It will be bipartisan. It seems to me we have an obligation to the American people and we have an obligation to our troops. I offer the amendment and I will come back and speak later.

In the interest of time problems, I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague. The Senator brings to the Senate a very serious proposal. It will be given serious consideration.

At this time, the Senator from Colorado desires to be recognized.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WARNER. Before the distinguished Senator addresses the Senate, I see our distinguished colleague from Connecticut. If I could inquire as to the Senator's wishes. We are trying to arrange a schedule.

Mr. LIEBERMAN. Mr. President, I thank my friend from Virginia. Five minutes is the maximum I require.

Mr. DORGAN. If I might I make one comment, I defamed my friend, the Presiding Officer. I suggested some while ago he was from Ohio. He, in fact, is from Indiana. I have known that all along, and those in the Northern Great Plains see everything out there as east. But my distinguished colleague Senator LUGAR, to whom I refer, is from Indiana. I talked about Nunn-Lugar and the wonderful work done. I want to make sure I identify it correctly.

Mr. LEVIN. We, the defamed people from Michigan, are really from Ohio.

Mr. WARNER. If I might ask that the Senator from Connecticut be recognized following the remarks by the Senator from Ohio—the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. It is, indeed, fortunate to be a Senator from the State of Colorado.

I start my comments by giving my appreciation to the Senator from Virginia, Senator WARNER, and to the Senator from Michigan, Senator LEVIN, for their great leadership in putting together what is a very good bill.

I also thank their staffs because at the end of the day I know how much of the work goes into these major pieces of legislation put together by our great staffs. Judy Ainslee and Rick DeBobes have done a fantastic job on behalf of the United States, on behalf of the Senate. I thank them for their efforts.

AMENDMENTS NOS. 1421, 1422, AND 1423, EN BLOC

I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I have a series of amendments at the desk, Nos. 1421, 1422, and 1423. I ask they be called up en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Colorado [Mr. SALAZAR] proposes amendments numbered 1421, 1422, and 1423, en bloc.

Mr. SALAZAR. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1421

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation)

At the end of subtitle D of title VI, add the following:

SEC. 642. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479 (1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsсction (a), by striking ''a gratuity'' in the mattcr preceding paragTaph (1) and inserting ''fallcn hero compensation''; and

(B) in suhscetion (b) (2), by inserting ''or othcr assistanee'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—

(1) Such subchapter is further amended by striking **"Death gratuity:"** each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting **"Fallen hero compensation:".**

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

AMENDMENT NO. 1422

(Purpose: To provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965)

At the end of subtitle G of title V, insert the following:

SEC. 585. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2), (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act for fiscal year 2005 from a local educational agency that—

(1) for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year; and

(2) submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

AMENDMENT NO. 1423

(Purpose: To provide for Department of Defense support of certain Paralympic sporting events)

At the end of subtitle C of title III, add the following:

SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

''(A) held in the United States or any of its territories or commonwealths;

''(B) governed by the International Paralympic Committee; and

''(C) sanctioned by the United States Olympic Committee.''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' before ''The Secretary''; and

(B) by adding at the end the following new paragraph:

''(2) Not more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).''.

Mr. SALAZAR. Mr. President, before discussing these amendments, I underscore the great importance of this legislation. This legislation sends an important message to our troops and to their families, to the important work it funds, and the important signal it sends to the world from the United States of America.

Today, more than 15,000 people from my State are serving overseas in support of Operations Iraqi Freedom and Enduring Freedom in Afghanistan. Many of these soldiers, air men and women, reservists, and National Guard men and women are preparing for their second tour of duty away from their families.

The 4,000 soldiers of the 3rd Armored Cavalry Regiment are in Iraq for their second tour of duty, and 1,800 soldiers from the 43rd Area Support Group and 130 from the 571st Medical Company are also overseas, while the 947th Engineering Company and the second of the 135th Aviation Battalion are preparing to leave for Iraq in the fall.

I give a sincere welcome home to all 3,762 soldiers from the 2nd Brigade Combat Team, 2nd Infantry, who are returning to their families in Colorado Springs as I stand in the Senate today.

The most moving thing I have done since coming to the Senate some 6 months ago was a bipartisan trip which I took to Iraq led by Senator HARRY REID from Nevada. On that trip I saw many moving things, though nothing more impressive than our troops and their dedication to the mission and to their units.

Shortly after returning to the United States from Iraq, I dropped a line to Lieutenant Colonel ''Mac'' from Colorado whom I had met on the trip. I inquired how he was doing, and in responding he wrote:

Our troops' spirits remain high. Some more than others, as I've worked and received permission to allow about 40 of our troops to redeploy early, as the pace of our support has decreased and will remain steady but not too hectic over the next six months of our deployment. Having worked the plan from start to final approval, I am personally happy knowing that they will be able to spend more quality time with their loved ones. I know my place is here, and will remain until we all leave in early Autumn.

That one response from one lieutenant colonel underscored our troops' dedication to the cause we are engaged in. This young man with his own family back in Colorado Springs was celebrating that members of his unit—not he—were returning home to their families. Thousands of troops are making that same selfless sacrifice every day. We owe each of them the best possible equipment and training. They and their families also should expect that we will ensure their quality of life.

The $441 billion bill in the amendments we have adopted in the last day will begin to do just that. That bill authorizes a total of $109 billion in appropriations to the Department of Defense for military personnel, and $236 million of that amount is more than the President's budget requested.

In my State of Colorado, where more than 9,000 troops are currently deployed overseas, I am especially mindful of the important quality-of-life investments that have been included in this bill.

The bill would provide a 3.1-percent across-the-board pay raise for military personnel. That is important to honor our men and women in uniform. It authorizes the payment of imminent danger pay to servicemembers hospitalized as a result of wounds they have incurred as a result of hostile action for the duration of their hospitalization. That is a move in the right direction. It would permanently increase the fallen hero compensation for servicemembers killed in combat or combat-related activities from $12,000 to $100,000. With the inclusion of Senator LEVIN's important amendment, it will ensure that the family of any active-duty soldier who was killed will qualify for this important assistance.

The legislation also permanently increases the maximum amount of coverage for group life insurance from $250,000 to $400,000. That is the right start. I am hopeful with the inclusion of Senator NELSON's amendment we will eliminate the survivor benefit plan dependency indemnity compensation offset and fix serious inequities in how the military treats the survivors of military retirees.

The bill also extends several bonuses relating to recruiting and retention, including the selected reserve reenlistment bonus, the ready reserve enlistment and reenlistment bonuses, the prior service enlistment bonus, the enlistment and reenlistment bonuses for active-duty members, and the retention bonus for servicemembers with critical military skills.

I will cosponsor an amendment with my friends Senators LIEBERMAN, CLINTON, and NELSON, to increase the size of our Active-Duty Army by 80,000 troops. Increasing the size of our military will reduce the strain placed on individual

soldiers, improving the quality of their lives and their families' lives. It will allow our fighting men and women to spend more time at home with their families between deployments. It will address what is today an overstretched American Army. Most importantly, adding 80,000 troops will help to defend our Nation at home and abroad with the strongest military in the world.

Our health care for our troops and their families also is addressed. This bill would extend health care coverage under TRICARE Prime for the children of active-duty servicemembers who died while on active duty and who have been on active duty for a period of more than 30 days, so the dependent child would be able to receive TRICARE until age 21.

After the inclusion on Thursday of the excellent bipartisan amendment offered by Senators GRAHAM and CLINTON, it will ensure access to TRICARE for Guard and Reserve and that care will continue.

This bill also requires the Secretary of Defense to report to Congress about the adverse health effects that may be associated with the use of antimalaria drugs.

This is a good bill. The bill is vitally important for the work it also funds. It funds $78.2 billion for procurement. It authorizes $127 billion for operations and maintenance. It does a lot to support our investment in creating a strong defense for our Nation.

I am particularly pleased the committee included $6.4 million to construct a Space Warning Squadron Support Facility at the Greeley Air National Guard Station. Our air guard provides a vital service at that station, but the current facility is substandard by anyone's measure. When personnel leave that facility, they drape plastic over their computers today so they are not destroyed by the water that leaks through the roof.

I am also pleased with the inclusion of the amendment offered by my colleagues from Kentucky, Senators MCCONNELL and BUNNING, and my good friend from Colorado, Senator ALLARD, that we are prepared to take another positive step forward in meeting our responsibility to destroy the chemical weapons at the Pueblo Chemical Army Depot. I am also hopeful with the efforts of my good friend Senator ALLARD and efforts I have undertaken with him, we will be able to wrap up the cleanup of Rocky Flats in a successful manner.

This bill is important because it sends a message to the world. There is no more comprehensive statement of our dedication to defend this country and to maintain our position in the world. Our enemies should never take comfort in any sense that America is disengaging from the world. This bill sends a very clear message on two vitally important threats.

On Wednesday, a group of leading defense and foreign policy experts, led by former Defense Secretary Perry, concluded:

> . . . the gravest threat facing America today is a terrorist detonating a nuclear bomb in one of our cities. The National Security Advisory Group judges that the Bush Administration is taking insufficient actions to counter this threat.

We must do better. Knowing that such a horrendous act is even possible, we must take every step possible now to ensure it does not come about.

This bill authorizes $415 million for DOD's Cooperative Threat Reduction Program, taking an important first step in locking down, perhaps, the most ready source of nuclear materials for terrorists.

With the inclusion of the Lugar amendment, of which I was proud to be a cosponsor, I hope we will begin to cut through the red tape that has hindered our efforts at locking down this threat for far too long. I commend my colleague from Indiana for his leadership over the decades on this effort.

Authorizing a total of $50 billion in supplemental appropriations for this next fiscal year for ongoing operations in Iraq and Afghanistan, and the global war on terror, the bill also tells the world we are not deterred by the hateful attacks on buses and trains in London or on cars in Baghdad.

We are prepared, once again, to fulfill our obligations to fund the effort in Iraq. I repeat my plea to the President that he frankly discuss his plan for success in Iraq with the American people while he candidly informs Americans about how we will pay for it.

I am also hopeful that as this bill moves forward to its final form, the amendments I have called up for consideration will also be included.

Amendment No. 1421 would simply change the name of the ''death gratuity'' to ''fallen hero compensation.'' This amendment was approved by the Senate in the supplemental appropriations bill but was dropped in conference.

''Death gratuity'' is the name for the assistance that taxpayers make available to military survivors. The term ''gratuity'' means gift. Not one of the widows, widowers, or children left behind think of that money as a gift. This is a simple change. There should be no opposition from Members of this body to include that name change. It more properly reflects the sacrifices military survivors have made and more properly expresses the gratitude and dignity we as a nation owe these families.

Amendment No. 1423, the Paralympic amendment, would allow the Pentagon's Office of Special Events to provide support to national and international Paralympic competitions hosted in the United States with a million-dollar limit on support in any one year. The Office of Special Events today supports the regular Olympics and other international sporting events. All this amendment does is to say we will treat our disabled athletes with the same support and respect.

The amendment would also allow support of a new USOC program that has been developed to assist with the rehabilitation of disabled veterans returning from Iraq and Afghanistan. It is a simple amendment that addresses a very important issue, especially to the disabled veterans who are returning from Operation Iraqi Freedom and Operation Enduring Freedom.

Amendment No. 1422 is another amendment that improves upon this bill. It will restore badly needed educational impact aid funding to the El Paso School District, which educates the children of more than 60 percent of the military personnel serving our Nation at the Fort Carson military base in Colorado.

For the 2004–2005 fiscal year, the El Paso School District submitted its application for impact aid to the Department of Education on time, but due to inadvertence and, perhaps, bureaucratic misdirection and mistake, it was deemed to be untimely because they failed to submit the application in electronic format. As a result, the school district that serves mostly military families was assessed a 10-percent penalty. This amendment will deem the school district's application as timely. The money is already in the Department of Education's budget. Thus, this amendment does not take money away from another source or another State.

One may ask, What connection does this have to our service personnel? And why is it so critical to the support of our military personnel?

First of all, 60 percent of the 5,500 El Paso School District students belong to military families stationed at Fort Carson, and they will be impacted by the cut in the amount of money available for their education.

Many of the loved ones of the students and staff of the El Paso School District have been deployed to Iraq as part of Operation Iraqi Freedom. In fact, over 11,000 soldiers from Fort Carson are currently deployed in Iraq today. That is over one-half of the fort's total forces. Many units from Fort Carson are now starting their second and third tours of duty in Iraq. Sadly, over 50 service personnel from Fort Carson have died in active duty in Iraq over the last several years.

Without the funds we are requesting, the school district will be forced to lay off teachers and cut educational programs that educate the families of service personnel. Our military personnel sacrifice a great deal for our freedom. We owe it to them to restore the educational funding for their children.

In closing, I am reminded once again of the thousands of Macs—just like the valiant lieutenant colonel I met in Kuwait—who are standing guard each and every day to protect our Nation. I am mindful of their families—in my own State, in Colorado Springs, in Denver,

in Grand Junction; in small, rural communities, and in every State and community throughout our Nation—awaiting their return or dreading their departure. We owe them, as the Senate, our best work.

This bill is very good work. As I started my comments today, I commended the leadership of my friends from Michigan and Virginia and their staffs for their great work. I hope our Democrats and Republicans will join together, as we move forward, to bring this legislation to successful conclusion because it is important for a strong defense for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to assure our distinguished colleague from Colorado that we will give very careful consideration to his amendments.

Have they been sent to the desk, I ask the Presiding Officer?

The PRESIDING OFFICER. Yes.

Mr. WARNER. Mr. President, I ask unanimous consent that they be set aside, such that the Senator from Connecticut is to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if the Senator will yield, let me thank the Senator from Colorado for his extremely thoughtful and sensitive statement about what this bill is all about. I thank him for his kind remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Let me first thank the chairman of the Senate Armed Services Committee, the distinguished Senator from Virginia, and the ranking member, the distinguished Senator from Michigan, for the extraordinary work they have done in bringing this bill forward. I am honored to be a member of the committee and proudly support its work.

AMENDMENT NO. 1389

Mr. President, I rise today to speak specifically about amendment No. 1389 offered by the Senator from South Dakota, Mr. THUNE. I am one of many cosponsors of this amendment. Its intention is to delay the implementation of the current round of base realignment and closures, the so-called BRAC, until we are better able to assess our defense needs.

The news from London in the last few days reminds us in the most stark and stunning ways of the fact that we are at war. It may not feel like that to most of us. It is a different kind of war. But there is an enemy out there worldwide who is committed to achieving some kind of victory over us and our allies and establishing a regime in a significant part of the world that would be fanatical, hateful, and, to say the least, undermine our national security and our national principles.

In the midst of such a war, it seems to me the reduction of our base structure has to be done with real care. The point of Senator THUNE's amendment, to delay this process, is this: One, we are in a war. As Senator SALAZAR said with great effect and poignancy, we have tens of thousands of American soldiers coming and going from Iraq, using bases in a way we may not have foreseen when this particular base realignment and closure process began.

We also are being asked and the Commission is being asked to make final judgments about some very important military installations in our country but before our final facts are before the Commission, the Congress, and the Pentagon. That is the intention of the Thune legislation, which, as I say, I am a cosponsor of—to put the brakes on, to say, let's not rush to judgment. Because in some cases of bases the Pentagon has recommended be closed, we may look back and say: This rush to judgment has really been a dash to disaster, that we have closed some military facilities we will urgently need in the years ahead.

Of course, I support cutting excess and unneeded defense spending and support saving money where we can. That is why I earlier voted for the BRAC round. But I think Senator THUNE and I, and so many others, when we saw the recommendations come out—now, in the middle of a war, based on information that is incomplete—we said to ourselves: Let's just step back a bit and get the facts we need before we make these final judgments.

Let me state it clearly. I have a local interest in this. The Pentagon has recommended, as all my colleagues know, the closing of Submarine Base New London, an extraordinary, in my opinion, national asset. But the point I want to make is if you close, God forbid, Submarine Base New London or some of these other bases that are recommended for closure, that is it. This is not like turning off the water in your house when you go away for a summer vacation, and when you come back and turn it back on, there is the water. If you close a base like Submarine Base New London, it is never going to be opened again. Therefore, you have to be able to reach a conclusion that not only is it not of military value today and in the near future, but it never will be; that is, in decades ahead, in an uncertain world. In this case of this submarine base—and I fear in some of the others—the facts that were used as a basis for the judgment do not stand up.

Too often, monetary savings have been confused with military value, and military value has been based on judgments that are incomplete. And here I come to one of our larger points: The Pentagon is now in the midst of its Quadrennial Defense Review, the most significant overarching review of America's military needs and goals for the future. That review is due next year. But we are being asked through BRAC and eventually in Congress to make final judgments on these bases before the final information is in, in the midst of a war.

I can tell you about Submarine Base New London, which I know best. The recommendation to close seems to be based on an estimate of the size of our submarine force, our attack submarine force, in the years ahead, which is the lowest anyone has ever seen and lower than every other study that has been done. I suppose if the base is closed, it will prejudge the fact. But I fear we will look back and say in the years ahead, as we face rising pure competitors: Why did we ever do that? I have enough confidence in this particular Base Realignment and Closure Commission and the independence and strength with which they are going at their responsibilities, at every turn making it clear they are not just going to be a rubberstamp for the Pentagon, that they are not going to allow Submarine Base New London to be closed. But I worry there are bases across this Nation that are recommended for closing on insubstantial, incomplete information that we will regret having closed. This amendment No. 1389 says: Let's just step back for a while. Let's wait until the Quadrennial Defense Review is in. Let's wait until we see the return of some more of our troops from Iraq so we know what our base needs are here at home. Let us not rush to judgment.

We are talking about our national security in a time of war, in an uncertain world, with rising new superpowers, but much more menacing than that: rogue states and nonstate actors gaining access to weapons of mass destruction. We have to get this right. I believe Senator THUNE's amendment would help us do that.

Mr. President, I will just say one final word about the news from London. I am sure the distinguished occupant of the chair, like myself, has been following these developments closely. They remind us that there is an insidious group out there, a fanatical group that will strike at civilians and try to strike panic in the hearts of average citizens to gain their political goals.

What has been as stirring as the attacks in London have been revolting has been the reaction of the British people. It really does remind us of their strength and determination during the Second World War. It is an inspiration. Most of all, I hope it will send a message to these terrorists that they may strike, but we are stronger than they are. Our principles are superior to theirs. They will never defeat us. I thank our friends from Britain, the average citizens, whose actions and words speak so loudly to us of their faith in the future, for giving us that model and that inspiration. We stand with them today as they have stood with us on so many previous days.

I thank the Chair and yield the floor.

AMENDMENTS NOS. 1343, 1430 THROUGH 1432, EN BLOC

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if my distinguished ranking member is prepared, we are about to send a series of amendments to the desk which have been cleared on both sides. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1343

(Purpose: To increase the limit on the value of assistance that may be provided to eligible entities to carry out procurement technical assistance programs operating on less than a Statewide basis)

On page 237, after line 17, add the following:

SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(2) of title 10, United States Code, is amended by striking ''$150,000'' and inserting ''$300,000''.

AMENDMENT NO. 1430

(Purpose: To clarify certain authorities relating to adoptions by members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.

(a) REIMBERSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting 11, or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of Defense)''.

AMENDMENT NO. 1431

(Purpose: To require a Comptroller General study on the features of successful personnel management systems of highly technical and scientific workforces)

At the end of title XI, add the following:

SEC. 1106. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

AMENDMENT NO. 1432

(Purpose: To extend the effective date of the Higher Education Relief Opportunities for Students Act of 2003)

At the end of subtitle E of title VI, add the following:

SEC. 653. EXTENSION OF EFFECTIVE DATE.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, subject to anything my distinguished colleague would want to do, I would like to have the Senate go into morning business.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are ready to proceed on a number of amendments, but we are going to withhold those as an accommodation to, I gather, a lot of folks here who want to go out right now. We will then offer the amendment on the Berlin cafe which has not yet been cleared. We will hold that off until Monday. And remarks on RNEP I will withhold until Monday. The national missile defense we also will withhold until Monday, if that is the desire of the chairman.

Mr. WARNER. Mr. President, I thank my ranking member for his usual courtesy and our ability to work out matters to accommodate both sides of the aisle.

Mr. LEVIN. I wonder if I could inquire, while we are waiting, I will also withhold an amendment which is ready to go which I don't know if it has been cleared or not on the time and material contract abuses. I will withhold that until Monday. If we have a moment, if we could ask a parliamentary inquiry, how many amendments now have been laid aside and are pending for either vote by rollcall or voice vote or acceptance?

The PRESIDING OFFICER. Eighteen first-degree amendments and one second-degree amendment have been laid aside.

Mr. LEVIN. I thank the Chair.

Mr. WARNER. Mr. President, there is a matter that must come before the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, July 26, when the Senate resumes the Defense authorization bill, and notwithstanding the provisions of rule XXII, there then be 20 minutes of debate divided between Senators COLLINS and LAUTENBERG; provided further that following the use or yielding back of the time, the Senate proceed to a vote in relation to the Collins amendment No. 1377, to be modified to be a first-degree amendment, to be followed by a vote in relation to the Lautenberg amendment; provided further that no second degrees be in order to the above amendments prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Bill Frist, John Warner, Michael Enzi, John Cornyn, Jon Kyl, Richard Burr, Kit Bond, Lindsey Graham, John E. Sununu, Chuck Grassley, Mike DeWine, Lamar Alexander, James Talent, Pat Roberts, Johnny Isakson, Conrad Burns, Richard G. Lugar.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. For the information of our colleagues, this vote will occur on Tuesday.

Mrs. FEINSTEIN. Mr. President, I am pleased to be able to join with my colleagues, Senator CHUCK GRASSLEY from Iowa, and Senators BOXER and HARKIN in support of an amendment to the FY06 National Defense Authorization Act that would transfer one of our Nation's greatest battleships, the USS *Iowa* to the State of California for permanent donation status.

I understand the affection that many Iowans have for this important ship and that a model of the USS *Iowa* can be viewed in the Rotunda of the Iowa State Capitol. Therefore, I truly appreciate the support of Senators GRASSLEY and HARKIN for helping to ensure that the USS *Iowa* will have a permanent home in California.

I was privileged to have the opportunity to introduce legislation in 1998 and 1999 to assist in transporting the USS *Iowa* from Newport, RI, to Suisun Bay in San Francisco, where it now sits as part of the Navy's Reserve Fleet. Through its transfer from reserve to donation status, any port community in California will have the opportunity to competitively bid for the battleship.

While I am sure a number of communities in California will be interested, I understand that the Port of Stockton has already begun making preparations and raising money to bid on this project.

Having the USS *Iowa* as a permanent floating museum in California will be an honor for my State and a tremendous memorial to the thousands of sailors who served aboard this battleship over the past 6 decades.

The USS *Iowa*, nicknamed the ''big stick,'' was first launched in August 1942 and commissioned in February 1943 under the command of Capt. John L. McCrea. In August 1943 it was mobilized for the first time along the Atlantic coast to protect against the threat of German battleships believed to be operating in Norwegian waters.

In one of the more memorable moments of the battleship's history, the USS *Iowa* carried President. Franklin D. Roosevelt to Casablanca on his way to the Teheran Conference in November 1943, and afterwards provided the President transportation back to the United States. The USS *Iowa* engaged in combat for the first time after it was deployed to the Pacific theater as the flagship of Battleship Division 7.

During the early months of 1943, as part of the battle for the Marshall Islands, the USS *Iowa* supported U.S. aircraft carrier strikes and helped support numerous air strikes near Micronesia and neighboring islands. It was next deployed to assist U.S. forces in combat in the South Pacific near New Guinea and joined the Marianas campaign in June 1943.

During the Battle of the Philippines, the Iowa ably drove back and neutralized a series of air raids attempted by the Japanese middle fleet. Throughout the winter of 1944, the USS *Iowa* continued to engage in action off the Philippine coast until it was directed to return to the U.S. for maintenance in January 1945.

From January 1945 through March 1945, the Battleship *Iowa* received a full overhaul in the Port of San Francisco before steaming off for Okinawa to take part in combat operations near Japan. Arriving in April, the *Iowa* supported U.S. air strikes against Japan and the surrounding islands until the Japanese surrender in August 1945.

The ship was honored to be one of the few American battleships to sail into Tokyo Bay with the occupation forces and take part in the surrender ceremonies. After returning to the West Coast following the war, the USS *Iowa* operated in reserve status until it was decommissioned for the first time in March 1949.

In August 1951, after hostilities broke out in Korea, the USS *Iowa* was recommissioned and mobilized to that region. In March 1952, the battleship was deployed to the war zone as the flagship of VADM Robert Briscoe, the Commander of the 7th Fleet. For the next 7 months, the *Iowa* was fully engaged in support of the U.N. troops, bombarding strategic targets throughout North Korea.

Following the cessation of combat, the USS *Iowa* was sent to Norfolk, VA, to receive an overhaul in October 1952. For the next 5 years, the *Iowa* was engaged in training maneuvers in Northern Europe, including NATO exercises, and in the Mediterranean Sea. In 1958, it was decommissioned for the second time and made part of the Atlantic Reserve Fleet based at Philadelphia.

Despite being decommissioned twice, the USS *Iowa* was renovated and upgraded in April 1984, and was recommissioned for the third time as part of President Reagan's plan to expand the Navy to 600 ships. Throughout the 1980s, the battleship spent the majority of its deployment in the waters off the European coast while also taking tours of the Indian Ocean and Arabian Sea.

Despite surviving two wars and numerous combat engagements over its long history, the USS *Iowa* suffered its worst catastrophe in April 1989 when one of its 16-inch gun turrets blew up, causing the death of 47 sailors. The source of the explosion was never conclusively identified, in spite of a thorough investigation of the incident by the Navy. Even with its damaged turret, the *Iowa* went on to further assignments in the Atlantic and Mediterranean Sea until it was decommissioned for the final time at Norfolk, VA, on October 26, 1990.

In early 1998, I was contacted by city officials in San Francisco requesting help with bringing the USS *Iowa* out to the west coast. Together with Senator BOXER, we introduced legislation in October 1998, as part of the FY99 Defense Authorization Act, to provide for the transfer of the USS *Iowa* to San Francisco.

The next year I worked with colleagues in the California congressional delegation to secure $3 million to pay for the transport of the battleship from Rhode Island to California. On April 20, 2001, the USS *Iowa* finally arrived in San Francisco and has been berthed at Suisun Bay since that time.

This amendment ensures that this amazing battleship, which earned nine battle stars for its World War II service and two battle stars in the Korean war, will be memorialized permanently as a floating museum in California.

Once again, I thank Senators GRASSLEY, BOXER, and HARKIN for their support on this important provision.

I ask unanimous consent that this statement be placed in the RECORD next to the relevant amendment.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 15, S. 397, which is the Protection of Lawful Commerce in Arms Act, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 15, S. 397: A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of

firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

BILL FRIST, GEORGE ALLEN, LARRY E. CRAIG, CRAIG THOMAS, MICHAEL B. ENZI, JEFF SESSIONS, CHRISTOPHER BOND, LAMAR ALEXANDER, MITCH MCCONNELL, SAM BROWNBACK, TOM COBURN, RICHARD BURR, JOHN MCCAIN, RICHARD SHELBY, SAXBY CHAMBLISS, JOHN ENSIGN, CHUCK HAGEL.

Mr. MCCONNELL. Mr. President, I ask that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005

Mr. ENZI. Mr. President, as chairman of the Health, Eduation, Labor, and Pensions Committee, I would like to take the opportunity to comment on a very important piece of legislation the Senate passed this week—a managers' substitute for S. 544, the Patient Safety and Quality Improvement Act of 2005, offered by myself, Senators JEFFORDS, GREGG, KENNEDY, FRIST, MURRAY, and BINGAMAN.

More than 5 years in the making, this legislation is an important step toward building a culture of safety and quality in our health care system.

The language of this bill reflects a carefully negotiated bipartisan, bicameral agreement between the chairmen and ranking members of the Senate Health, Education, Labor, and Pensions Committee and the House Energy and Commerce Committee. I want to thank my colleagues Senator KENNEDY, Chairman BARTON, and Representative DINGELL for their hard work in bringing this agreement to fruition.

Tremendous credit also goes to the HELP Committee's previous Chairman, Senator GREGG, whose tireless work on this issue was invaluable in bringing us to where we are today, and to Senator JEFFORDS, sponsor of the original legislation upon which this agreement builds.

The Patient Safety and Quality Improvement Act will create a framework through which hospitals, doctors, and other health care providers can work to improve health care quality in a protected legal environment.

More specifically, the bill will extend crucial legal privilege and confidentiality protections to health care providers to allow them to report health care errors and ''near misses'' to specially designated patient safety organizations. In turn, these patient safety organizations, some of which exist in limited form today, will be able to collect and analyze patient safety data in a confidential manner.

After conducting this analysis, patient safety organizations will report back to providers on trends in health care errors and will offer guidance to them on how to eliminate or minimize these errors. Some of this takes place today, but much more information could be collected and analyzed if providers felt confident that reporting such errors would not increase the likelihood that they could be sued.

It is not the intent of this legislation to establish a legal shield for information that is already currently collected or maintained separate from the new patient safety process, such as a patient's medical record. That is, information which is currently available to plaintiffs' attorneys or others will remain available just as it is today. Rather, what this legislation does is create a new zone of protection to assure that the assembly, deliberation, analysis, and reporting by providers to patient safety organizations of what we are calling ''Patient Safety Work Product'' will be treated as confidential and will be legally privileged.

Errors in medical treatment take place far too often. Unfortunately, however, providers live in fear of our unpredictable medical litigation system. This fear, in turn, inhibits efforts to thoroughly analyze medical errors and their causes. Without appropriate protections for the collection and analysis of patient safety data, providers are understandably loath to participate in medical error reporting systems.

I am pleased that the negotiated final version of this bill reflects and upholds several of the key priorities of the bill the HELP Committee marked up earlier this year, and which was also passed out of the Senate last year.

For example, this agreement makes very clear that, in addition to strong legal privilege provisions, patient safety work product will also be subject to a clear and affirmative duty of confidentiality. That is, not only will patient safety work product be subject to a privilege in legal and related proceedings, but the bill will also impose penalties of up to $10,000 per violation should such patient safety work product be disclosed.

It was a key priority of the Senate bill that such information not only be privileged in a legal proceeding, but also that serious consequences will ensue if patient safety organizations, providers, or anyone else divulges it in ways not permitted under the bill. I am very pleased that the compromise agreement we are passing this week upholds this commitment to an affirmative duty of confidentiality.

Also, we believed very strongly that the definition of patient safety work product—that is, exactly what kind of information is to be protected—be drawn broadly enough to assure that providers will feel safe and secure in participating in a patient safety system—and that they not be chilled from participating by fear that their efforts to assemble, analyze, deliberate on, or report patient safety information to patient safety organizations would somehow fall outside of a too-narrow statutory definition of patient safety work product.

With this in mind, we negotiated a definition in the agreement which takes great care to make clear to providers that the assembly of data, its analysis, deliberations about it, and its reporting to a patient safety organization will be firmly protected. We also clarified that information that is collected, maintained, or developed separately from the patient safety system will continue to be treated the same as it is under current law.

Before I close, I want to take just a minute to thank the many Senate staff members who worked very hard to bring this legislation to where it is today. Among those who deserve special recognition and thanks are Andrew Patzman and Stephen Northrup of my HELP Committee professional staff, David Bowen of Senator KENNEDY's Committee staff, Peggy Binzer with Senator GREGG, Dean Rosen of Senator FRIST's Leadership staff, and Sean Donohue with Senator JEFFORDS. Much credit also goes to the hard work of the staff of the House Energy and Commerce Committee, as well as to the expert and very capable legislative staff at the Department of Health and Human Services.

I ask unanimous consent that a section-by-section summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY

''PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005''

MANAGERS SUBSTITUTE AMENDMENT

[July 2005]

SECTION 1. SHORT TITLE

The Patient Safety and Quality Improvement Act of 2005.

SECTION 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Creates a new Part C of Title IX of the Public Health Service Act, Entitled ''Patient Safety Improvement''

SECTION 921. DEFINITIONS

''Patient Safety Activities'' describes activities involving providers and certified patient safety organizations (see Sec. 924, below) which include the following: (1) efforts to improve patient safety and the quality of health care delivery, (2) collection and analysis of patient safety work product, (3) development and dissemination of information with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices, (4) utilization of patient safety work product for the purposes of encouraging a culture of safety and of providing feedback and assistance to effectively minimize patient risk, (5) maintenance of procedures to preserve confidentiality with respect to patient safety

work product, (6) activities related to the operation of a patient safety evaluation system and to the provision of feedback to participants in a patient safety evaluation system.

''Patient Safety Evaluation System'' means the collection, management, or analysis of information for reporting to or by a patient safety organization.

''Patient Safety Work Product'' is the data and other information for which the bill provides legal privilege and confidentiality protection. Patient safety work product includes any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements which: (1) are assembled or developed by a provider for reporting to a patient safety organization and are reported to such an organization, (2) are developed by a patient safety organization for the conduct of patient safety activities, or, (3) identify or constitute the deliberations or analyses of a patient safety evaluation system, or which identify the fact of reporting pursuant to such a system.

Patient safety work product does not include a patient's medical record, billing and discharge information, or any other original patient or provider record, or information that is collected, maintained, or developed separately, or exists separately, from a patient safety evaluation system.

SECTION 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS

Provides that patient safety work product is legally privileged and as such is not subject to (1) Federal, State or local civil, criminal, or administrative subpoena, (2) discovery in connection with a Federal, State or local civil, criminal, or administrative proceeding, (3) disclosure pursuant to the Freedom of Information Act (FOIA), (4) admitted as evidence in any Federal or State civil, criminal, or administrative proceeding, (5) admitted in a professional disciplinary proceeding.

Provides that patient safety work product is also confidential and shall not be disclosed.

Provides a number of exceptions to the privilege and confidentiality protections:

Exceptions to both privilege and confidentiality include disclosure of patient safety work product in a criminal proceeding after a court makes an in camera determination that such work product contains evidence of a criminal act and that it is material to the proceeding and not reasonably available from another source, disclosure of patient safety work product if authorized by the providers identified in it, and disclosure of patient safety work product when such disclosure is necessary in a proceeding against an employer for an adverse employment action based on a person's having made a good faith report to a patient safety organization.

Exceptions to the confidentiality rule but not to the privilege protection include (1) disclosure of patient safety work product to carry out patient safety activities, (2) disclosure of non-identifiable patient safety work product, (3) disclosure of patient safety work product for HHS-sanctioned research, (4) disclosure by a provider of patient safety work product to the FDA regarding products or activities regulated by the FDA, (5) voluntary disclosure of patient safety work product by a provider to an accrediting body, (6) such disclosures as the Secretary may determine are necessary to carry out business operations, (7) disclosure of patient safety work product to law enforcement authorities relating to the commission of a crime if the person making the disclosure reasonably believes that the work product being disclosed is necessary for criminal law enforcement purposes, (8) with respect to persons who are not patient safety organizations, the disclosure of patient safety work product that does not include materials that assess the quality of care of an identifiable provider or describe or pertain to one or more actions or failures to act by an identifiable provider.

Provides that in most cases, the disclosure of patient safety work product pursuant to one of the exceptions above does not constitute a waiver of privilege or confidentiality with respect to subsequent disclosures of such work product.

Provides that in most cases a patient safety organization shall not be compelled to disclose information collected or developed under this act, unless such information is identified, is not patient safety work product, and is not available from another source.

Provides that an accrediting body shall not take an accrediting action against a provider based on the provider's participation in a patient safety process, and that an accrediting body may not require a provider to reveal its communications with a patient safety organization.

Provides that a provider may not take an adverse employment action against an individual based on such individual's good faith reporting of information to the provider or to a patient safety organization.

Provides that civil monetary penalties of up to $10,000 per violation shall apply to any person who knowingly or recklessly violates the confidentiality or privilege protections, as well as equitable relief to address a wrongful employment action. Where a violation of this act also constitutes a violation of the Health Insurance Portability and Accountability Act (HIPAA), there shall be no double penalty.

Provides for a number of rules of construction, including that nothing in this act shall be construed: (1) to limit other Federal, State, or local laws that may provide for confidentiality or privilege provisions stronger than those in this act, (2) to limit or affect current law pertaining to information that is not confidential or privileged under this act, (3) to alter or affect implementation of HIPAA, except where specifically specified in this act, (4) to limit, alter, or affect any requirement for reporting to the Food and Drug Administration information regarding the safety of an FDA-regulated product, (5) to prohibit any person from conducting additional analysis for any purpose regardless of whether such additional analysis involves issues identical to or similar to those for which information was reported to or assessed by a patient safety organization.

Clarifies that for purposes of applying HIPAA confidentiality regulations (regarding patient health information), patient safety organizations shall be treated as business associates, and patient safety activities of a provider under this act are deemed to be health care operations, as such terms are defined pursuant to HIPAA.

Directs the Secretary to prepare a report, based on reporting to the Network of Patient Safety Databases (see Sec. 923 below), on effective strategies for reducing medical errors and increasing patient safety.

SECTION 923. PATIENT SAFETY NETWORK OF DATABASES

Directs the Secretary to facilitate the creation of a network of patient safety databases to collect and analyze relevant non-identifiable patient safety information voluntarily reported by patient safety organizations, providers, or other entities, and to provide an interactive evidence-based management resource. The Secretary may also establish common standards for the reporting of such data.

SECTION 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING

Provides for procedures to be used in the certification, recertification, and (as necessary) revocation of certification of patient safety organizations by HHS.

Criteria for certification as a patient safety organization include the following: (1) the mission and primary activity of the entity are to conduct activities that are to improve patient safety and the quality of health care delivery, (2) the entity has appropriately qualified staff as determined by the Secretary, including medical professionals, (3) the entity receives and reviews patient safety work product from more than one provider, (4) the entity is not a health insurance issuer (as defined in section 2791 (b)(2) of the Public Health Service Act).

Where applicable, the entity shall fully disclose to the Secretary any financial, reporting, or contractual relationship between the entity and any provider that contracts with the entity, and the fact that the entity is not managed, controlled, and operated independently from any provider than contracts with the entity.

The Secretary shall review such disclosures and make findings whether the entity can fairly and accurately operate as a patient safety organization, and shall consider such findings in determining whether to accept, condition, deny, or revoke such entity's certification.

SECTION 925. TECHNICAL ASSISTANCE

The. Secretary may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

SECTION 926. SEVERABILITY

If any provision of this act is held to be unconstitutional, the remainder of the act shall be unaffected.

Authorization of Appropriations—for purposes of carrying out this act, there are authorized such sums as may be necessary for each of the fiscal years 2006 through 2010.

Mr. JEFFORDS. Mr. President, I came to the floor today to commend our colleagues and extend my appreciation to them because last night the Senate unanimously passed S. 544, the Patient Safety and Quality Improvement Act of 2005. I do not believe it is too great an exaggeration to say that this bill will be among the most significant healthcare legislation the Senate will consider during this Congress. I say that because I believe this legislation will contribute immensely to the current efforts that are underway to save lives and reduce the tragedy of needless medical errors.

This legislation starts with a simple premise. Let us set up a system that helps our health care providers learn from each other. Let us set up a system that promotes the reporting and analysis of medical errors. Let us set up a system that engenders the trust of providers and the patients they serve.

The passage of this legislation represents the successful culmination of efforts, by many of our colleagues, that began with the publication of a small but significant report about medical errors.

With the publication of the Institute of Medicine, IOM, study, To Err is Human in 1999, we were all reminded

that Hippocrates' maxim to ''first, do no harm'' is as relevant to the practice of medicine today as it was in 400 B.C. That IOM report was among the first to galvanize national attention on the issue of patient safety when it reported that medical errors contribute to approximately 100,000 patient deaths a year. This startling and troubling statistic has been verified in subsequent studies and cited in peer reviewed articles in the leading journals of biomedical research, including the Journal of the American Medical Association, the Lancet, and the New England Journal of Medicine.

When I was Chairman of the Senate Committee on Health, Education, Labor, and Pensions in 1999, I undertook several hearings—5 in all—to examine this issue and discuss the recommendations of the To Err is Human report. The preponderance of testimony overwhelmingly agreed with several of the original Institute of Medicine recommendations.

Perhaps the most important of these recommendations stresses that improving patient safety requires a learning environment rather than a punitive environment; voluntary data gathering systems as opposed to mandatory systems; and appropriate legal protections—including confidentiality and privilege from discovery—that allow for the review and analysis of medical error information.

In response to this attention to patient safety issues, a myriad of public and private patient safety initiatives have begun. The Department of Health and Human Services has initiated several patient safety projects, including project grants funded by the Agency for Healthcare Research and Quality, AHRQ. The work of the Veterans' Administration in developing and implementing innovative patient safety systems—especially in the area of medication management—has drawn attention from throughout the country. In addition, the Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that can be taken by each Federal agency involved in health care; and agency activities to implement these steps are ongoing. Finally, efforts are well underway to bring the advanced electronic technology of the information-age to bear on solving many of the problems associated with medical errors.

Several non-governmental organizations and professional societies have also ''stepped up to the plate'' on patient safety. The Joint Commission on Accreditation of Healthcare Organizations, the U.S. Pharmacopoeia, the American Medical Association, medical specialty societies and other health care providers including the American Hospital Association and the American Federation of Hospitals have launched innovative efforts dedicated to improving patient safety.

Consumers of healthcare and academia are involved in reducing errors in patient care as well. Examples of these include: ''The Leapfrog Group'' an initiative driven by organizations that buy health care that are working to initiate breakthrough improvements in the safety, quality and affordability of healthcare; and the Institute for Healthcare Improvement, led by an original IOM panel member, Dr. Don Berwick, which has provided seminal work advancing the goals of patient safety. All of these efforts deserve our gratitude because without them deaths and injuries stemming from medical errors would continue to increase.

However, many of the organizations currently collecting patient safety data have expressed the need for legal protections that will allow them to review protected information so that they may collaborate in the development and implementation of patient safety improvement strategies.

The work of Lucien Leape, another member of the IOM panel and adjunct professor of health policy at Harvard University, has supported this view. Dr. Leape has argued persuasively that we, as a society, will continue to have difficulty reducing medical errors and improving patient safety because our institutions are ''still locked into a blame and punish approach to errors and a focus on individual culpability . . .'' in turn, ''the fear of malpractice litigation thus becomes a major barrier to openly discussing and reporting errors.''

To respond to these needs, I and several of our colleagues have for many years introduced legislation that would promote the open discussion of medical errors that is so needed to curb these needless deaths and injuries. Last year, this legislation passed the Senate unanimously, but unfortunately, a conference with our House colleagues never occurred.

This Congress, I reintroduced S. 544, the Patient Safety and Quality Improvement Act, with the bipartisan support of Senators GREGG, BINGAMAN, ENZI, FRIST, and MURRAY. Our group was soon joined in this effort by Senators SESSIONS, LANDRIEU and COLLINS. Early in this session, the Health, Education, Labor, and Pensions Committee unanimously passed S. 544. To Chairman ENZI's great credit, he recognized the significance of this legislation early-on and, enlisting the support of Senator KENNEDY, led the way to resolving differences between S. 544 and language that was being considered by our colleagues in the House of Representatives. Together, these Members worked untiringly to hone and improve this legislation, which resulted in its consideration by, and the unanimous support of, our colleagues last night.

The legislation raises expectations for higher standards for continuous patient safety improvement and it encourages a new and needed culture of patient safety among health care providers and American hospitals. The bill accomplishes these goals by establishing appropriate legal protections for patient safety information voluntarily shared among patient safety organizations and providers. Our legislation reflects the belief that a culture of patient safety can flourish best in an environment where information, data, processes, and recommendations enjoy legal protection and privilege.

Because it appropriately addresses an obvious need and concern, the Patient Safety and Quality Improvement Act has enjoyed widespread endorsement by hospital, patient, doctor, and consumer advocacy organizations. This degree of support underscores the broad appeal and essential nature of this proposed legislation.

In the time since the release of To Err is Human, the Congress has been unable to enact sensible legislation to reduce medical errors and increase patient safety. In that time, assuming that the IOM data are accurate, approximately one-half million more individuals have died and countless others have experienced significant injuries through medical errors.

With the leadership of Chairman ENZI and Senator KENNEDY we have met to work out differences with our colleagues in the House and it too will soon consider legislation. I am encouraged that we have reconciled disagreements that have previously stopped this legislation from moving forward and I hope the House will act favorably so that this legislation can become law.

We need to apply Hippocrates' admonition to ''first, do no harm'' beyond the medical community to the legislative community. We need to pass legislation now that will help the health care community stop the needless injury caused by unintentional medical errors.

Of course, we also live in a complex society—one in which medical errors that may have harmed a patient might also be the basis for litigation. It is a right under our laws to seek a remedy when harmed, and we need to preserve access to certain information for this redress of grievances.

However, an unfortunate consequence of living in a litigious society is that hospitals and providers often feel that it's not in their best interests to share information openly and honestly. We know, in fact, that their attorneys and risk managers often advise them not to do so. So, in order for our system to work, it needs to balance these sometimes competing demands.

I believe the Patient Safety and Quality Improvement Act strikes this balance. It calls for the creation of new entities we call Patient Safety Organizations that would collect voluntarily reported data in the form of patient safety workproducts. This bill provides the protections of confidentiality and privilege to that patient safety data—but this bill also sets definite limitations on what can be considered confidential and privileged.

This legislation does nothing to reduce or affect other Federal, State or

local legal requirements pertaining to health related information. Nor does this bill alter any existing rights or remedies available to injured patients. The bottom line is that this legislation neither strengthens nor weakens the existing system of tort and liability law.

Instead, the legislation before us creates a new, parallel system of information collection and analysis, designed to educate our doctors and protect patients' safety everywhere. This bill reflects difficult negotiations and many compromises over almost 5 years of consideration. Through the contributions of Members on both sides of the aisle, this legislation has been greatly strengthened since I first introduced it back in the 106th Congress.

I offer my appreciation to the many contributions from several colleagues who have worked to reach an agreement on this legislation. But I believe Chairman ENZI and Ranking Member KENNEDY deserve special recognition in their efforts to reach a consensus and so I commend them once again. I also want to commend the work of Chairman BARTON and that of the Dean of the House, Representative DINGELL, for their work to address our differences. It is my true hope that they can persuade their colleagues to favorably consider this bill.

When a significant bill makes its way through the many hoops of the legislative process and is destined to be signed into law, as I believe this one is, we have a custom in the Senate that we take a moment to acknowledge those whose work on that measure often has made difference between success and failure.

Chainnan ENZI's staff, Katherine McGuire, Steve Northrup, and especially Andrew Patzman deserve many thanks for their contributions and for reflecting so well the leadership of the Chairman. From Senator KENNEDY's office Michael Myers' commitment to this effort over the many years has often served to keep discussions going and David Bowen has once again demonstrated his ability to find common ground on difficult issues. Vince Ventimiglia and Peggy Binzer of Senator GREGG's office deserve special acknowledgement, not only for ''advancing the ball'' throughout the last Congress, but also for the legal expertise and insights they brought to the process.

The majority leader has been a partner in this effort from the very beginning and Dean Rosen and Liz Hall have contributed both their subject expertise and their legislative navigational skills. Bruce Lesley of Senator BINGAMAN's office and Anne Grady with Senator MURRAY led the way with improvements to the bill that helped start its way down the bipartisan path to success. Finally, I want to commend Sean Donohue, of my staff, for his contributions to the bill and also to his tenacious commitment over several years to get this legislation enacted.

We legislate on many issues in the Congress, but it is not often we can say that what we do makes a difference as a matter of life and death. Patient safety, however, is one of those issues. When this legislation is signed into law, everyone that has worked to improve it can know that, in this instance, they have made that difference.

LONG-TERM CARE

Mr. AKAKA. Mr. President, the Department of Veterans Affairs is to be applauded for facilitating a conference on the role of medical foster homes. The conference is titled: ''Medical Foster Home: A New Choice for Long-Term Care.'' The conference kicks of tomorrow in Little Rock, AR.

I also want to applaud the conference participants for taking time to attend the conference. We truly must be open to new ideas about how VA can care for veterans in need of long-term care. In my view, medical foster homes are an important part of the equation.

We know that today VA is facing tremendous demand for long-term care. In the years ahead, demand will explode. Yet the President's budget includes significant cuts to long-term care programs. The goal seems to reduce VA's workload and shift the burden elsewhere. But where are veterans to go?

Should VA be cutting back at a time when demand is growing? Should these cuts target needed nursing home and state home beds? According to the President's budget proposal, the answer is yes.

There is another side to this story: there are places on the VA landscape where some truly wonderful things are happening to keep veterans well cared for and in the setting of their choice. Good programs must be fostered.

Indeed, there are VA clinicians who, in grappling with the demand, have not waited but have found some innovative solutions. I am always deeply gratified by the level of dedication and innovation of VA employees, and I salute those who have moved forward.

One such good program is the medical foster home program in Arkansas. In 2002, Tom McClure testified before the Senate VA Committee about the foster home program. I know that all the Members of the Committee were amazed at the success of the program—despite some of the snags he has faced along the way. Nearly 3 years later, it seems VA is finally ready to advance the concept.

For my part, I recently introduced legislation to develop a medical foster home program on the Island of Oahu in Hawaii. While we have a wonderful VA nursing home—the Center on Aging, it only has 60 beds. Unfortunately, community nursing homes have few beds, as well. So, it is absolutely critical that Hawaii's veterans be provided with needed long-term care.

More and more veterans are seeking alternatives to nursing homes. They want to remain in the community. With the right kind of support and care from VA, they are able to do so—even with chronic and debilitating conditions. I do want to say that for many veterans, however, non-institutional options will not work; and because of this Congress is on record stating that VA must have sufficient nursing home capacity.

It is vital that VA's role as a model for long-term care be recognized and rewarded, because we will have enormous problems with demand for this care in the years ahead. The only entity of any scope, size, or capacity that is dealing with how to meet the needs of an older population is VA. This role of VA must be highlighted and supported.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

GRANTS

Ms. COLLINS. Mr. President, last week, Senator LIEBERMAN and I offered, and the Senate adopted, Amendment #1142 to H.R. 2360, the Department of Homeland Security Appropriations Act. The amendment, which seeks to improve the process for providing homeland security grants to State and local governments, is nearly identical to S. 21, the Homeland Security Grant Enhancement Act of 2005, a bill which was reported out of the Committee on Homeland Security and Governmental Affairs. S. 21 was placed on the Senate's legislative calendar on May 4, 2005, and a detailed and comprehensive report from the Committee, Senate Report 109–71, accompanied S. 21 at that time. Because of the near identity of S. 21 and the amendment, this report pertains to Amendment #1142 as well.

Mr. LIEBERMAN. Mr. President, I agree with the Senator from Maine that the Committee report pertains to the amendment as well as to S. 21, on which the amendment is almost wholly based. The report provides a useful explanation of, and a broader context to, the amendment, and I recommend that those participating in the conference of the Homeland Security Appropriations bill look to it to elucidate the amendment. Also, to the extent that the language of Amendment #1142 will be enacted, I urge the Department of Homeland Security and others who may be called upon to implement or interpret these provisions to look to the text of the committee report for guidance in that implementation or interpretation.

Ms. COLLINS. Mr. President, I join with the Senator from Connecticut in encouraging those who are conferees on this bill and those who will be implementing the amendment if it is enacted to read and rely on the text of Senate Report 109–71.

ADDITIONAL STATEMENTS

COMMEMORATING THE 100TH ANNIVERSARY OF BIDWELL PARK

● Mrs. FEINSTEIN. Mr. President, I would like to recognize the City of Chico as they celebrate the 100th Anniversary of Bidwell Park, which is a significant part of Chico's identity and its crown jewel.

Bidwell Park was established in July of 1905 when Annie Bidwell, wife of Chico's founding father, John Bidwell, gave the City 1,902 acres of their ranch, Rancho del Arroyo Chico. Since that time, the City has purchased additional land enlarging the park to its present day size of 3,670 acres, making it the largest municipal park per capita in the United States.

Bidwell Park has a long history with the people of Chico and surrounding areas in Northern California. Some of America's classic movies such as the Adventures of Robin Hood, starring Errol Flynn, Gone with the Wind and Red Badge of Courage were filmed in Bidwell Park using the Park's natural setting and wild landscape as a backdrop.

Today, the City of Chico estimates that there are between 150,000 and 200,000 visits to Bidwell Park every year. Citizens who visit the Park can take advantage of wide-ranging recreational opportunities such as cooling off in one of the countless swimming holes or making the most of approximately 72 miles of trails for hiking, horseback riding and mountain biking.

Bidwell Park also serves as an ideal venue for numerous community events such as Chico's 4th of July Community Celebration held at the One-Mile Recreation Area and the Annual Shakespeare in the Park Series as well as the hundreds of family gatherings, weddings and company picnics.

I would like to especially recognize the work done by the Bidwell Park Centennial Committee and their Co-Chairs Tom Barrett and Chico City Councilmember Ann Schwab for their tireless efforts organizing the scores of events commemorating Bidwell Park's 100th birthday.

I would be remiss if I did not mention the contributions of the Bidwell Park Centennial Supporters and volunteers, especially the Chico Creek Nature Center, for all of their time and resources that illustrate the possibilities that can be realized when public and private interests come together for the benefit of the community.

Again let me say congratulations to the City of Chico and all of the people participating in events celebrating Bidwell Park's centennial year. You should feel proud of all that you are doing and I wish you the very best in the future.●

DO THE WRITE THING CHALLENGE 2005

● Mr. LEVIN. Mr. President, the ''Do the Write Thing Challenge'' is a national writing contest that gives middle school students the opportunity to express themselves about community problems including guns, gangs, drugs, and violence. The students are asked to identify actions they can take to help address such problems.

The Do the Write Thing Challenge, or DtWT, was created in 1994 and is sponsored by the National Campaign to Stop Violence. DtWT currently operates in 22 cities and counties, including Detroit, MI. In 2005, more than 32,000 students nationwide participated in DtWT by written submissions and by pledging not to engage in violence. Since its creation, more than 145,000 students have participated in the DtWT Challenge.

The national DtWT finalists from each participating jurisdiction recently came to Washington, DC to talk to lawmakers about youth violence and its impact on their lives. In addition, the finalists were honored by the National Campaign to Stop Violence at a national recognition ceremony. Among those honored were Samantha Medina and Michael Henderson of Detroit, MI.

Samantha and Michael both addressed the issue of gun violence in their writings. In her poem, Samantha wrote about the constant threat that guns pose to her family and friends. Michael wrote a personal essay about two friends and an uncle who were murdered by criminals using guns. Both students also chose to write about the importance of nonviolent solutions in resolving conflict and how the actions of individuals impact the safety of their entire community.

I congratulate Samantha and Michael, and the other DtWT national finalists as well as all of the participants across America for their achievements and efforts to eliminate violence from the areas where they live. I believe Congress can do more to support their efforts. Several pieces of legislation which would increase the number of police officers on our streets, increase resources for school and community violence prevention programs, and make it more difficult for criminals to obtain powerful weapons are currently awaiting further consideration in the Senate. I urge my colleagues to take up and pass these bills to make our families and communities more safe.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on July 21, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377.

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on July 21, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Under the authority of the order of July 21, 2005, the enrolled bill was signed on July 21, 2005, during the adjournment of the Senate, by the Acting President pro tempore (Mr. MCCONNELL).

MESSAGE FROM THE HOUSE

At 1:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2601. An act to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2601. An act to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 1464. A bill to make a technical correction to the Act providing for the designation of the David Berger Memorial; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mrs. BOXER, Mr. LEVIN, and Mr. SARBANES):

S. 1465. A bill to strengthen programs relating to ocean, coastal, and Great Lakes science training by providing coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration, and to diversify the ocean, coastal, and Great Lakes science community by attracting underrepresented groups; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 1466. A bill to suspend temporarily the duty on Desmodur R–E; to the Committee on Finance.

By Mr. SANTORUM:

S. 1467. A bill to suspend temporarily the duty on Walocel VP–M 20660; to the Committee on Finance.

By Mr. SANTORUM:

S. 1468. A bill to reduce temporarily the duty on Crelan VP LS 2147 (self-blocked cycloaliphatic polyuretdione); to the Committee on Finance.

By Mr. SANTORUM:

S. 1469. A bill to suspend temporarily the duty on Desmodur BL XP 2468; to the Committee on Finance.

By Mr. SANTORUM:

S. 1470. A bill to suspend temporarily the duty on Desmodur HL; to the Committee on Finance.

By Mr. SANTORUM:

S. 1471. A bill to suspend temporarily the duty on Desmodur RF–E; to the Committee on Finance.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. WARNER, and Mr. ALLEN):

S. 1472. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 1992 to provide for the restoration, protection, and enhancement of the environmental integrity and social and economic benefits of the Anacostia Watershed in the State of Maryland and the District of Columbia; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 1473. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1474. A bill to amend the Deficit Reduction Act of 1984 to clarify the Permanent University Fund arbitrage exception and to increase from 20 percent to 30 percent the amount of securities and obligations benefitting from the exception; to the Committee on Finance.

By Mr. VITTER:

S. 1475. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Finance.

By Mr. VITTER:

S. 1476. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. SARBANES, Ms. SNOWE, Mr. JEFFORDS, Mr. FRIST, Mrs. CLINTON, and Mr. REID):

S. Res. 205. A resolution honoring the life and legacy of Constantino Brumidi and recognizing his contributions to the United States on the 200th anniversary of his birth; considered and agreed to.

By Mr. SMITH (for himself and Mr. LAUTENBERG):

S. Res. 206. A resolution designating August 2005 as ''Psoriasis Awareness Month''; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, and Mr. JOHNSON):

S. Con. Res. 45. A concurrent resolution supporting the goals and ideals of National Life Insurance Awareness Month, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. SMITH):

S. Con. Res. 46. A concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 390

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1248

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1375

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1375, a bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

S. 1418

At the request of Mr. ENZI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), the Senator from Alabama (Mr. SESSIONS), the Senator from Rhode Island (Mr. REED) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1418, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1420

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1420, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

S. 1424

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1424, a bill to remove the restrictions on commercial air service at Love Field, Texas.

S. RES. 198

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 198, a resolution commemorating the 25th anniversary of the 1980 worker's strike in Poland and the birth of the Solidarity Trade Union, the first free and independent trade union established in the Soviet-dominated countries of Europe.

AMENDMENT NO. 1354

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 1354 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1356

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 1356 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year

2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1389

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1389 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1399

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1399 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1402

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1402 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. INOUYE, MRS. BOXER, Mr. LEVIN, and Mr. SARBANES):

S. 1465. A bill to strengthen programs relating to ocean, coastal, and Great Lakes science training by providing coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration, and to diversify the ocean, coastal, and Great Lakes science community by attracting underrepresented groups; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce a bill that will enhance science education for kids of all ages—including my age.

This bill capitalizes upon the natural allure of our oceans and coastlines to spark an interest in science. This will improve the general science literacy of Americans, which is a key to remaining competitive in today's global economy.

The bill will also foster a deeper appreciation of our oceans and fragile coastal environment. As the U.S. Commission on Ocean Policy, Ocean Commission, pointed out in a report last year, our oceans and their resources are in trouble. Fishery stocks are declining . . . development is changing our coastal environments . . . and water quality has become a problem in many areas.

We won't solve these challenges overnight. The future of our oceans and coastal regions rests with young people—so we must nurture their interest in ocean and coastal science.

The Ocean Commission also pointed out that the level of science knowledge among graduating high school seniors is well below other nations. We must bridge this science gap. And one of the best ways to get kids excited about science is by drawing on their own experiences of our oceans, coasts, and Great Lakes. Kids are captivated by marine science. Their eyes light up when you show them an octopus squirting ink, a porpoise leaping out of the water, or an ocean wave pounding the shore.

The bill we are introducing today, Ocean and Coastal Literacy in Urban and other Environments—or Ocean CLUE—will ensure that our students have an opportunity to learn about the ocean.

Agencies like the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation and NASA already have wonderful ocean education programs. Ocean CLUE will provide a Task Force to coordinate these activities and help shape a national ocean and coastal education strategy.

Our bill will also create a program within NOAA that will complement existing programs and satisfy an area of need identified by the Ocean Commission: minority representation in ocean and coastal careers.

Our new K–12 program will also focus on urban areas. Though many coastal problems can be traced far up watersheds to suburban and rural watersheds, problems are often most acute in population centers. This new urban focus will complement existing ocean and coastal science programs. My hope is that any science teacher nationwide will be able, with the click of a mouse, to easily find an ocean and coastal education program that perfectly suits their needs.

Our oceans are one of the greatest legacies we will bequeath to our children and grandchildren. We must also bequeath to them the knowledge and training to manage this crucial resource. This bill will do that.

I want to thank my colleagues who are co-sponsoring this legislation: Senators INOUYE, BOXER, LEVIN, and SARBANES.

I ask Unanimous Consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ocean and Coastal Literacy in Urban and other Environments''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The coastal regions and ocean waters of the United States are vital to the Nation's public safety, homeland security, transportation, trade, energy production, recreation and tourism, food production, scientific research and education, environmental and human health, and historical and cultural heritage.

(2) Development, resource extraction, and other human activities throughout watersheds, coupled with an expanding coastal population, are contributing to processes of environmental change that may significantly threaten the long-term health and sustainability of ocean, coastal, and Great Lakes ecosystems.

(3) The United States Commission on Ocean Policy reports that United States high school graduates' scientific literacy is below the international average and finds that exciting ocean, coastal, and Great Lakes sciences and education has the potential to stem the tide of science illiteracy in the Nation.

(4) Development and implementation of ocean, coastal, and Great Lakes literacy programs are essential to ensure a public that is fully knowledgeable about, fully informed about, and fully capable of decisions contributing to ocean, coastal, and Great Lakes issues.

(5) Development and implementation of education and training programs are essential to build a national scientific, technological, and engineering workforce fully representative of the Nation's citizens that meets the needs of growing ocean, coastal, and Great Lakes economies and better prepares the Nation for competition in the global economy.

(6) Those involved in ocean, coastal, and Great Lakes policy and sciences are not fully representative of the Nation's citizens, with only 10 percent of United States graduate students in marine sciences from underrepresented groups.

(7) A coordinated program of ocean and coastal science education would assist the Nation and the world in furthering knowledge of the ocean and the global climate system, ensuring homeland and national security, developing innovative marine products, improving weather and climate forecasts, improving human health, strengthening management and sustainable use of ocean and coastal resources, increasing the safety and efficiency of maritime operations, and protecting the environment and mitigate man-made and natural hazards.

(8) Seven of the 10 most populated urban centers in the United States are located along our marine, estuarine, and Great Lakes coasts, and a coordinated program of education specifically focused on urban coastal issues, including urban stakeholders, would focus national attention on the unique challenges faced by urban coastal communities.

(9) Increased Federal cooperation and investment are essential to build on ocean, coastal, and Great Lakes research and education activities that are taking place within numerous federal, state, and local agencies, academic institutions and industries and to establish new partnerships for sharing ocean, coastal, and Great Lakes science resources, intellectual talent, and facilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR; ADMINISTRATION.—The terms ''Administrator'' and ''Administration'' mean the Administrator of the National Oceanic and Atmospheric Administration and that Administration, respectively.

(2) ADVISORY PANEL.—The term ''Advisory Panel'' means the Ocean Research and Education Advisory Panel established under section 103.

(3) COUNCIL.—The term ''Council'' means the National Science and Technology Council.

(4) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Secretary of Education to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(5) OCEAN AND COASTAL.—When used as an adjective, the term ''ocean and coastal'' means ocean, coastal (including estuarine), and Great Lakes.

(6) OCEAN AND COASTAL SCIENCES.—The term ''ocean and coastal sciences'' includes the exploration of ocean, coastal (including estuarine), and Great Lakes environments, the development of methods and instruments to study and monitor such environments, and the conduct of basic and applied research to advance understanding of—

(A) the physics, chemistry, biology, and geology of the ocean, coasts, and Great Lakes;

(B) ocean, coastal, and Great Lakes processes and interactions with other components of the total Earth system; and

(C) the impacts of the ocean, coastal regions, and Great Lakes on society and manner in which such environments are influenced by human activity.

(7) OCEAN AND COASTAL SCIENCE EDUCATION.—The term ''ocean and coastal science education'' includes literacy, outreach, formal education, and informal education focused on the oceans, coasts, and Great Lakes at all levels, including elementary, secondary, undergraduate, graduate, and the general public.

(8) STRATEGY.—The term ''strategy'' means the National Strategy for Ocean and Coastal Science, Education, and Literary developed under section 201.

(9) TASK FORCE.—The term ''task force'' means the National Ocean and Coastal Science Education Task Force established under section 102.

(10) UNDERREPRESENTED GROUP.—The term ''underrepresented group'' means, with respect to ocean and coastal sciences, policy, and education programs and activities, members of a minority group, women, individuals with disabilities, and any other class of individuals who are underrepresented.

TITLE I—OCEAN AND COASTAL SCIENCE EDUCATION COORDINATION

SEC. 101. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL TECHNICAL AMENDMENTS.

(a) DIRECTOR OF OFFICE OF SCIENCE AND TECHNOLOGY POLICY TO CHAIR COUNCIL.—Section 207(a) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)) is amended—

(1) by striking ''CHAIRMAN OF FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY'' in the subsection heading and inserting ''CHAIR OF THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL''; and

(2) by striking paragraph (1) and inserting the following:

''(1) serve as Chair of the National Science and Technology Council; and''.

(b) FUNCTIONS.—Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

''SEC. 401. FUNCTIONS OF COUNCIL.

''(a) IN GENERAL.—The National Science and Technology Council shall consider problems and developments in the fields of science, technology, engineering, and mathematics and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

''(1) provide more effective planning and administration of Federal scientific, engineering, and technology programs;

''(2) identify research and education needs, including areas requiring additional emphasis;

''(3) achieve more effective use of the scientific, engineering, and technological resources and facilities of Federal agencies, including elimination of unwarranted duplication; and

''(4) further international cooperation in science, engineering and technology.

''(b) COORDINATION.—The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research and education activities which involve the participation of more than 2 agencies. The plans shall—

''(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

''(2) provide for effective cooperation and coordination of research among Federal agencies; and

''(3) encourage domestic and, as appropriate, international cooperation among government, industry and university scientists.

''(c) OTHER DUTIES.—The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chair of the Council.

''(d) ASSISTANCE OF OTHER AGENCIES.—For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council, including—

''(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

''(2) undertaking upon the request of the Chair, such special studies for the Council as come within the scope of authority of the Council.

''(e) STANDING COMMITTEES; TASK FORCES; WORKING GROUPS.—For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees, task forces, and working groups of the Council may be established.''.

SEC. 102. NATIONAL OCEAN AND COASTAL SCIENCE EDUCATION COMMITTEE.

(a) TASK FORCE.—The President shall establish a National Ocean and Coastal Science Education Task Force.

(b) MEMBERSHIP.—The task force shall be composed senior representatives with responsibility for, and expertise in, education from each of the following agencies and departments:

(1) The National Oceanic and Atmospheric Administration.

(2) The Navy.

(3) The National Science Foundation.

(4) The National Aeronautics and Space Administration.

(5) The Department of Energy.

(6) The Environmental Protection Agency.

(7) The Coast Guard.

(8) The United States Geological Survey.

(9) The United States Fish and Wildlife Service.

(10) The National Park Service.

(11) The Minerals Management Service.

(12) The Army Corps of Engineers.

(13) The National Institutes of Health.

(14) The Department of Agriculture.

(15) The Office of Science and Technology Policy.

(16) The Department of Labor.

(17) The Department of Education.

(18) The Smithsonian Institution.

(19) Such other Federal agencies and departments as the chair and vice chairs of the task force deem appropriate.

(c) CHAIR AND VICE CHAIRS.—The chair and vice chairs of the task force shall be appointed every 2 years by a selection committee composed of leaders of the departments and agencies represented on the task force including, at a minimum, the Administrator and the Director of the National Science Foundation. The term of office of the chair and vice chairs shall be 2 years. A person who has previously served as chair or vice chair may be reappointed.

(d) RESPONSIBILITIES.—The task force shall—

(1) serve as the primary source of advice and support on ocean and coastal science education for the Council and assist in carrying out the functions of the Council as they relate to such matters, including budgetary analyses;

(2) serve as the committee on ocean and coastal science education for the Council and carry out Council functions under section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) that relate to ocean and coastal sciences;

(3) improve cooperation among Federal departments and agencies with respect to ocean and coastal sciences and education budgets, programs, operations, facilities and personnel;

(4) stimulate collaborations among Federal departments and agencies to allow more efficient and effective use of existing Federal assets;

(5) provide a forum for development of the national strategy for ocean and coastal science education and oversee its implementation;

(6) establish standards for United States ocean and coastal literacy, which may include development of ocean and coastal science assessments or curricula to meet national or State science standards in elementary and secondary education science programs;

(7) establish standards for an ocean and coastal literacy outreach program to link science and education programs to broader communities, especially with respect to underrepresented groups and urban coastal areas;

(8) foster the development of ocean and coastal education and outreach programs that are integrated with and based upon Federal ocean and coastal science programs and that link educators and scientists, especially with respect to underrepresented groups and specifically urban coastal issues;

(9) coordinate Federal programs to improve representation of underrepresented groups and groups from urban areas in ocean-related careers;

(10) coordinate Federal ocean and coastal education activities for students at all levels, including funding for educational opportunities at the elementary, secondary, undergraduate, graduate, and post-doctoral levels;

(11) identify and work to establish linkages among Federal programs and those of States, academic institutions, museums and aquariums, industry, foundations, and other nongovernmental organizations;

(12) coordinate United States government ocean and coastal science education activities with those of other nations;

(13) carry out such other activities as the Council may require; and

(14) establish such interagency subcommittees and working groups as necessary to support the functions of the task force and develop comprehensive and balanced Federal programs and approaches to ocean and coastal sciences and education needs.

SEC. 103. OCEAN AND COASTAL SCIENCE EDUCATION ADVISORY PANEL.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—The task force shall maintain an Ocean and Coastal Science Education Advisory Panel consisting of not less than 10 and not more than 18 members appointed by the chair.

(2) QUALIFICATIONS.—Members of the advisory panel shall be selected from among individuals representing ocean and coastal industries and foundations, State governments, museums and aquariums, non-governmental organizations, formal and informal educators, ocean and coastal science educators, and such other participants in ocean and coastal activities as the chair considers appropriate, who have the requisite expertise under paragraph (3).

(3) EXPERTISE.—Members shall have expertise in fields of endeavor including ocean and coastal sciences, ocean and coastal science education, outreach, ocean and coastal management and policy, and ocean engineering.

(4) REPRESENTATIVES OF UNDERREPRESENTED GROUPS.—Representatives of underrepresented groups shall have balanced representation on the advisory panel without regard to the requirements of paragraphs (2) and (3).

(b) RESPONSIBILITIES.—The advisory panel will advise the task force on—

(1) development and implementation of the national strategy for ocean and coastal science education;

(2) matters relating to links between ocean and coastal science education and ocean and coastal observing systems, oceanographic facilities and laboratories, and national oceanographic data requirements;

(3) issues pertaining to involvement of underrepresented groups in ocean-related careers; and

(4) Any additional matters that the task force considers appropriate.

(c) FUNDING.—The chair and vice chairs of the task force annually shall make funds available to support the activities of the Advisory Panel.

TITLE II—INTERAGENCY PROGRAMS TO ADVANCE OCEAN AND COASTAL KNOWLEDGE

SEC. 201. NATIONAL STRATEGY FOR OCEAN AND COASTAL SCIENCE EDUCATION AND LITERACY.

(a) IN GENERAL.—The task force shall develop a national strategy for ocean and coastal science education and literacy. The chair shall submit the strategy to the Congress within 1 year after the date of enactment of this Act, and submit a revised strategy at least once every 3 years thereafter. The initial strategy shall be based on the recommendations of the United States Commission on Ocean Policy and shall establish, for the 10-year period beginning in the year the strategy is submitted, the goals and priorities for education that most effectively support national workforce and professional development needs and improve public understanding and ability to participate in ocean policy decisions.

(b) SPECIFIC ACTIONS.—The strategy shall—

(1) provide for increased Federal investment in ocean and coastal science education over 5 years and for additional investments in education and outreach, technology development, and ocean exploration;

(2) make recommendations for the coordination of Federal ocean and coastal science education activities with those of States, regional entities, other nations, and international organizations;

(3) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities;

(4) establish a plan to improve representation of traditionally underrepresented groups in ocean-related careers, both policy and science;

(5) establish a plan to address specifically urban marine and coastal issues, emphasizing the link between urban communities and coastal issues including health, recreation, open space, development, and resource use;

(6) build on and complement existing programs; and

(7) develop an evaluation and assessment strategy for determining the most effective practices for existing and new ocean and coastal science education programs.

(c) ELEMENTS.—The strategy shall include the following elements:

(1) Ocean and coastal science education coordination and establishment of mechanisms to improve ocean literacy and contribute to public awareness of the condition and importance of the ocean.

(2) Partnerships among Federal agencies, States, academia, industries, members of the ocean and coastal science community, and underrepresented groups.

(3) Workforce and professional development including traineeships, scholarships, fellowships, and internships.

(4) Information management systems that provide information from varied sources to produce information readily usable by ocean and coastal science educators, students, and the public.

(5) The development, adapted for ocean and coastal science education, of technology and sensor development, including adaptation of their products for ocean and coastal science education.

(6) The development of information management systems and new learning technologies for efficient delivery of Federal marine science assets to students, teachers, and citizen decision-makers.

(d) PUBLIC PARTICIPATION.—In developing the strategy, the task force shall consult with the Advisory Panel, academic, State, industry, museums and aquariums, education, and conservation groups and representatives. Not later than 90 days before the chair submits the strategy, or any revision thereof, to the Congress, a summary of the proposed strategy or revision and a response to comments shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 202. OCEAN AND COASTAL SCIENCE EDUCATION PROGRAM.

(a) ESTABLISHMENT.—Consistent with the strategy, the President shall establish an interagency ocean and coastal education program to improve public awareness, understanding, and appreciation of the role of the ocean in meeting our Nation's economic, social, and environmental needs. The program shall complement and build upon existing efforts rather than duplicate such efforts. The ocean and coastal education program shall include formal education activities for elementary, secondary, undergraduate, graduate, and postdoctoral students, continuing education activities for adults, and informal education activities for learners of all ages. Under the program, particular attention shall be paid with respect to—

(1) students from underrepresented groups, especially at the elementary and secondary levels; and

(2) elementary and secondary students in urban areas, with the goal of improving public awareness and literacy of urban coastal problems.

(b) ELEMENTS.—

(1) IN GENERAL.—The program shall use appropriate interagency coordination mechanisms, build upon existing programs, and shall, at a minimum, provide sustained funding for—

(A) development of model instructional programs for students at all levels, with special focus on developing an urban unit;

(B) a regional education network to support academic competition and experiential learning opportunities for middle and high school students;

(C) a regional education network specifically to enhance ocean literacy opportunities for minority students and students in urban areas;

(D) teacher enrichment programs that provide for participation in ocean and coastal sciences, research expeditions, voyages of exploration, and the conduct of scientific research;

(E) educator professional development and student training and support to provide diverse ocean-related education opportunities at the undergraduate, graduate, and postdoctoral levels;

(F) mentoring programs and partnerships with minority-serving institutions, building on elementary and secondary minority programs, to ensure diversity in the ocean and coastal workforce;

(G) a national network of Centers for Ocean and Coastal Sciences Education Excellence to improve the acquisition of knowledge by students at all levels through enhanced collaborations between the scientific and education communities;

(H) the National Ocean and Coastal Sciences Bowl, a competition among high schools to promote knowledge of the ocean and coasts, with evaluation of the potential merits of a similar program for middle schools;

(I) the EstuaryLive program, a experiential learning program focused on coastal resources and issues; and

(J) an internet-based ocean and coastal science portal to provide a centralized source of Federal, State, academic, non-governmental, and other ocean and coastal science education materials, programs, and products.

(2) EVALUATION.—The task force shall assess and evaluate the elements of the program for success on a continuing basis.

(c) INTERAGENCY FUNDING.—The Administration, the National Science Foundation, and other Federal agencies involved in the program are authorized to participate in interagency financing and share, transfer, receive, and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under this section. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs of the same.

TITLE III—NOAA OCEAN SCIENCE AND COASTAL EDUCATION PROGRAMS

SEC. 301. NOAA OCEAN AND COASTAL SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—

(1) AUTHORITY TO ESTABLISH PROGRAMS.—The Administrator shall conduct, develop, support, promote, and coordinate formal and informal educational activities authorized by this section to enhance public awareness and understanding of the science, service, and stewardship missions of the Administration, such as the EstuaryLive program, the Bay Watershed Education and Training Program, and the Teacher-at-Sea and Teacher-in-the Air Programs. In conducting those activities, the Administrator shall consult with the task force and build upon the educational programs and activities of the National Sea Grant College Program, the National Marine Sanctuaries Program, the National Estuarine Research Reserve System, regional offices of the Administration, and programs relating to ocean exploration, undersea research, marine resources, marine observations, and oceans and human health.

(2) EDUCATIONAL ACTIVITIES INCLUDED.—In carrying out this section, the Administrator shall include among the educational activities education of the general public, teachers, students at all levels (including primary and secondary levels), and ocean and coastal managers and stakeholders, with particular attention to addressing the lack of participation by underrepresented groups in ocean and coastal sciences and policy careers.

(3) GRANT AND CONTRACT AUTHORITY.—In carrying out educational activities under this section, the Administrator may enter into grants, contracts, cooperative agreements, resource sharing agreements or interagency financing with Federal, State and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations or other persons.

(4) GOALS; STANDARDS; PERIODIC ASSESSMENTS.—The Administrator shall establish goals and standards for assessing the success of each of the Administration's educational activities under this section and shall evaluate the success of each such activity every 3-to-5 years.

(5) STRATEGIES.—The Administrator, in consultation with the appropriate program directors, shall ensure that educational activities under this section will—

(A) integrate agency-conducted and agency-funded science into high-quality educational materials;

(B) improve access to Administration educational resources;

(C) support educator professional development programs to improve understanding and use of agency sciences;

(D) promote participation in agency-related sciences and careers, particularly by members of underrepresented groups; and

(E) leverage partnerships to enhance formal and informal environmental science education.

(b) REGIONAL EDUCATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a regional elementary and secondary education program that—

(A) focuses on providing experiential learning opportunities for students in the area of ocean and coastal resources, based on the model of the Bay Watershed Education and Training Program;

(B) is administered, wherever possible, at the local and regional offices of the Administration or Sea Grant College Program offices or offices of other appropriate existing programs; and

(C) shall provide funding, on a competitive basis, to organizations emphasizing experiential learning for elementary and secondary students.

(2) PRIORITIES.—The regional program shall give a priority to—

(A) providing experiential ocean and coastal education programs for elementary, middle, and secondary school students that are aligned with National or State standards of learning; and

(B) providing teacher training in ocean and coastal education, including adequate training for teachers to bring experiential learning into their classrooms.

(c) OCEAN AND COASTAL LITERACY IN URBAN ENVIRONMENTS PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish an Ocean and Coastal Literacy in Urban Environments Program (to be known as the Ocean CLUE Program) that is designed to broaden knowledge about the oceans and coastal areas among underrepresented groups and in urban areas.

(2) ELIGIBILITY CRITERIA.—In order to be eligible to participate in the program—

(A) at least 50 percent of the student body of an applicant school, or a school with which an applicant group proposes to work, shall consist of members of underrepresented groups; or

(B) the applicant school, or a school with which an applicant proposes to work, shall be located in an urban area.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Administrator shall award grants to eligible elementary and secondary schools, or groups proposing to work with elementary and secondary schools selected through a competitive process, on the basis of the merits of their proposals.

(B) TERM.—A grant under the program shall be awarded initially for a period of 1 year, but may be renewed annually for up to 3 additional years.

(C) REQUIREMENTS.—As a condition of receiving a grant under the program, a recipient shall demonstrate to the satisfaction of the Administrator that—

(i) it will use a curriculum of ocean and coastal science that complements or satisfies National, State, or regional science requirements;

(ii) activities funded in whole or in part by the grant will focus on marine science, marine policy, and other maritime social sciences, with experiential teaching methods explored;

(iii) it will contribute to a coordinated Ocean CLUE website established by the Administrator that is accessible by the public; and

(iv) it will undertake to meet with other grant recipients at least once during each year for which it is receiving a grant to share curricula and to discuss successful techniques and challenges.

(d) BAY WATERSHED EDUCATION AND TRAINING PROGRAM.—The Administrator shall expand the Bay Watershed Education and Training Program by not more than 1 region per year.

(e) EDUCATIONAL PARTNERSHIP PROGRAM.—The Administrator shall establish a program of educational partnerships with minority-serving institutions, providing financial assistance to these institutions to support collaborative research and training of students in ocean, atmospheric, and Earth sciences through competitive processes. The program shall have include at least the following 4 components:

(1) Cooperative Science Centers will be established at minority-serving institutions in partnership with other institutions that have established programs and graduate degrees in ocean, Earth, and atmospheric disciplines.

(2) An Environmental Entrepreneurship Program will provide funding to eligible minority-serving institutions to attract students who are members of an underrepresented group to pursue academic study, careers, and entrepreneurship opportunities in ocean, Earth, and atmospheric sciences.

(3) A Graduate Sciences Program will recruit and provide graduate level training in ocean, Earth, and atmospheric sciences to outstanding candidates who are members of an underrepresented group.

(4) An Undergraduate Scholarship Program will be established whose goal is to increase the number of students who undertake coursework and graduate with degrees in fields integral to the Administration's mission.

(f) ADDITIONAL ELEMENTARY AND SECONDARY PROGRAMS.—The Administrator shall establish elementary and secondary ocean education programs, exploring partnerships with non-governmental organizations and exploring experiential or non-traditional education techniques, such as the EstuaryLive and the Bay Watershed Education and Training programs.

(g) TEACHER-AT-SEA; TEACHER-IN-THE-AIR.—The Administrator shall—

(1) establish a program, to be known as the Teacher-at-Sea Program, to bring teachers from elementary, middle, and secondary schools, and from institutions of higher education to sea aboard Administration research and survey ships to work under the tutelage of scientists and crew;

(2) establish a related program, to be known as the Teacher-in-the Air Program, using Administration aircraft for the purposes of marine observations and studies of links between the atmosphere and the ocean; and

(3) consider establishing a counterpart program to the Teacher-at-Sea Program in

coastal areas using smaller Administration ships.

(h) NOAA SCIENCE EDUCATION PLAN.—The Administrator, in consultation with the Ocean Education Council and representatives of the Marine Sanctuaries Program, the Sea Grant Program, the National Estuarine Research Reserve System, the Office of Exploration, the National Undersea Research Program, and other appropriate Administration programs, shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years. The plan shall—

(1) set forth the Administration's goals, priorities, and programmatic activities for ocean and coastal science education in 5-year phases;

(2) identify links between the Administration's ocean and coastal science education activities and its programs and missions;

(3) consider the recommendations of ocean and coastal science and education experts, as well as those of professional education associations or organizations;

(4) be developed in consultation with programmatic offices, ocean and coastal sciences and education experts, and interested members of the public; and

(5) be evaluated and updated every 3-to-5 years.

SEC. 302. AMENDMENT TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C 1131(a)) is amended by adding at the end the following:

''(3) MARINE AND AQUATIC SCIENCE EDUCATION.—In addition to the amounts authorized for each fiscal year under paragraphs (1) and (2), there are authorized to be appropriated for marine and aquatic science education in each of fiscal years 2006 through 2011—

''(A) $6,000,000 in funding for the educational activities of sea grant programs;

''(B) $4,000,000 for competitive grants for projects and research that target national and regional ocean and coastal science literacy; and

''(C) $3,000,000 for competitive grants to support educational partnerships under the national Coastal and Ocean Education Program to be funded through an appropriate interagency mechanism.''.

SEC. 303. AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972.

Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (1)(C);

(2) by striking ''1999.'' in paragraph (2)(C) and inserting ''1999; and''; and

(3) by adding at the end the following:

''(3) for estuarine science education, there are authorized to be appropriated, in addition to the amounts authorized for each fiscal year under paragraphs (1) and (2), in each of fiscal years 2006 through 2011—

''(A) $3,000,000 in increased funding for the educational activities of National Estuarine Research Reserves; and

''(B) $1,000,000 for competitive grants for projects that use National Estuarine Research Reserve System system-wide monitoring program data to advance ocean and coastal science literacy.''.

TITLE IV—AUTHORIZATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL OCEAN AND COASTAL EDUCATION PROGRAM.—Of the amounts authorized annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and other agencies that are members of the National Ocean and Coastal Science Education Task Force for fiscal year 2006 through fiscal year 2011, up to $25,000,000 from each agency may be made available for the National Ocean and Coastal Education Program under section 202.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In addition to the amounts authorized to be made available by subsection (a) of this section and under section 212(a)(3) of the National Sea Grant College Program Act (33 U.S.C 1131(a)(3)) and section 318(a)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)(3)), there are authorized to be appropriated to the Administrator—

(1) $20,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(a);

(2) $8,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301 (c);

(3) $8,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(d);

(3) $10,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(e);

(4) $6,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(f); and

(5) $200,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(g).

(c) AVAILABILITY.—Sums appropriated pursuant to subsection (b) shall remain available until expended.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. WARNER, and Mr. ALLEN):

S. 1472. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 1992 to provide for the restoration, protection, and enhancement of the environmental integrity and social and economic benefits of the Anacostia Watershed in the State of Maryland and the District of Columbia; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am reintroducing legislation, together with my colleagues Senators MIKULSKI, LANDRIEU, WARNER and ALLEN to bolster efforts to restore the Anacostia River.

I spoke during the 108th Congress about the need for this legislation and I want to underscore the principal reasons today. The Anacostia River is a resource rich in history and with tremendous natural resource and recreational potential. It is home to 43 species of fish, some 200 species of birds, as well as more than 800,000 people whose neighborhoods border the watershed. Flowing through Montgomery and Prince George's Counties in Maryland and emptying into the Potomac at the District of Columbia, the watershed consists of a 176 square mile drainage area. One of the most urbanized watersheds in the United States, the Anacostia suffers a series of problems including trash, toxic pollution from urban runoff, sewage pollution from leaking sewer lines and combined sewer overflows, sediment pollution from erosion, and loss of fish and wildlife and recreational resources. It is a resource that has long been abused and neglected, but one that, in my view, can and must be protected and restored.

Efforts to begin rejuvenating the Anacostia watershed began formally in 1987 when the State of Maryland, Montgomery and Prince George's Counties, and the District of Columbia signed an Anacostia Watershed Restoration Agreement. The Agreement authorized the Washington Area Council of Governments, COG, to manage the restoration program and the Interstate Commission on the Potomac River Basin, ICPRB, to protect the resources and facilitate public participation. COG created an Anacostia Watershed Restoration Committee, AWRC, to coordinate and implement restoration projects throughout the watershed. Since that time, local, State, and Federal Government agencies, as well as the Anacostia Watershed Society, the Anacostia Citizens Advisory Committee and other environmental organizations and dedicated private citizens have contributed significant resources toward re-establishing the Anacostia watershed ecosystem.

Thanks to this cooperative and coordinated Federal, State, local and private effort, we are beginning to make some progress in restoring the watershed. A Six Point Action Plan was signed in 1991 setting ambitious and broad-reaching goals for the river's restoration. In 1993 we celebrated the successful restoration of 32 acres of emergent tidal wetlands by the Army Corps of Engineers at Kenilworth marsh. The project has shown significant results in improving tidal water flow through the marsh, and reducing the concentration of nitrogen and phosphorus in the area and demonstrates what can be achieved in urban river restoration. There have been other success stories as well in urban stream restoration in Montgomery and Prince George's counties, removing barriers to fish passage and reforestation efforts throughout the watershed, to name only a few. In 1999, a new Anacostia Watershed Agreement was signed to strengthen the regional governmental commitment to Anacostia restoration. There are today more than 60 local, State and Federal agencies involved in Anacostia watershed restoration. And more than $100 million has been spent cleaning up the river. There is clearly much for which we can all be proud. But the job of restoring the Anacostia watershed is far from complete. The Anacostia is still one of North America's most endangered and threatened rivers. It is designated one of three ''regions of concern'' for toxics in the Chesapeake Bay watershed.

The legislation which we are introducing authorizes more than $200 million in Federal assistance over the next 10 years to restore the Anacostia. Of these funds, $170 million is authorized to address the biggest pollution problems in the watershed—storm water runoff and failing waste-water infrastructure. As the builder of much of

the original infrastructure and a major user, the Federal Government has an important responsibility to help stem the flow of this pollution and comply with the Clean Water Act. The remaining funds will allow the Administrator of EPA, working together with an ''Anacostia Watershed Council'' of State and local officials, to develop a comprehensive environmental protection and resource management plan for the watershed, for several Federal agencies to join in the implementation of the plan.

The Anacostia River suffers from centuries of impacts and changes. Once a healthy, thriving river, it is today severely degraded. This legislation is urgently needed if we are to achieve the goal of making the Anacostia and its tributaries swimmable and fishable again. It is my hope that provisions of this measure will be included in the reauthorization of the Water Resources Development Act and I urge my colleagues to join me in supporting this measure.

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 1473. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce The Commercial Fishermen Safety Act of 2005, a bill to help fishermen purchase the life-saving safety equipment they need to survive when disaster strikes. I am pleased to be joined by my good friend from Massachusetts, Senator KENNEDY, in introducing this legislation. Senator KENNEDY has been a leader in the effort to sustain our fisheries and to maintain the proud fishing tradition that exists in his State and mine.

Recent portrayals of the commercial fishing industry in film and in literature have provided the American public with glimpses of the challenges and dangers associated with earning a living from the sea. These stories and movies merely scratch the surface of what it is like to be a modern-day fisherman. Everyday, members of our fishing communities struggle to cope with the pressures of running a small business, complying with burdensome regulations, and maintaining their vessels and equipment. Added to these challenges are the dangers associated with fishing, where disaster can strike, often without notice.

Year-in and year-out, commercial fishing ranks among the Nation's most dangerous occupations, often as the most dangerous occupation. Between the years of 1992, when the Bureau of Labor Statistics began compiling occupational safety statistics, and 2003, 756 commercial fishing-related fatalities have been documented. This profession is roughly 30 times more dangerous than the average occupation.

Too often, commercial fishing has proved tragic throughout our coastal waters including the north Pacific, the Gulf of Mexico, and the north Atlantic. The New England fishing community is no stranger to heartbreak. The 2004–2005 winter proved no exception, with the December 20, 2004 sinking of the *Northern Edge*. Five fishermen were lost during this incident, which was the worst loss of life in the New England fishing community since 1991. One fisherman, Pedro Furtado, was saved when the *Northern Edge* went down. Pedro was able to locate a life raft, to which he clung for half an hour in high winds and freezing temperatures before being rescued by the crew of a nearby scallop boat. This incident could have been even more tragic, if vital lifesaving safety equipment were not at hand.

Not all disasters at sea end with a loss of life. Fishermen also tell stories of dramatic rescues, stories that all have something in common: safety equipment. On February 9, 2005, a 38-foot gillnet vessel, *Hollywood*, sank 45 miles off of Cape Ann, Massachusetts. Aboard this boat were three fishermen, all of who survived. These men survived despite 40 degree water temperatures. Two of the three crew members were wearing survival suits, and they all were able to get into a life raft before the boat sank.

Tragedy has again visited the New England fishing community. This month alone, two New England vessels have sank, during a time of year that is generally not as hazardous for the industry. On the evening of July 13, the *Sirius* sank 25 miles south of Matinicus Island, Maine. Sadly, the captain of the *Sirius* was lost. Fortunately, the two remaining crew members were rescued by fellow fishermen. Just four, short days later, another fishing vessel, *Princess*, sank off of Chatham, Massachusetts. Fortunately, the entire crew of this vessel was rescued, due in no small part to their safety equipment.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels from shore to fish.

Required equipment can include a life raft that automatically inflates and floats free, should the vessel sink; personal flotation devices or immersion suits which help protect fishermen from exposure and increase buoyancy: EPIRBs, which relay a downed vessel's position to Coast Guard Search and Rescue Personnel; visual distress signals; and fire extinguishers.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance. Meeting all of these obligations is made more difficult by a regulatory framework that uses measures such as trip limits, days at sea, and gear alterations to manage our marine resources.

The Commercial Fishermen Safety Act of 2005 lends a hand to fishermen attempting to prepare in case disaster strikes. My bill provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while life rafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the federal tax code.

Safety equipment saves lives in an occupation that has suffered far too many tragedies. By extending a tax credit for the purchase of federally required safety equipment, Congress can help ensure that fishermen have a better chance of returning home each and every time they head out to sea.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 205—HONORING THE LIFE AND LEGACY OF CONSTANTINO BRUMIDI AND RECOGNIZING HIS CONTRIBUTIONS TO THE UNITED STATES ON THE 200TH ANNIVERSARY OF HIS BIRTH

Mr. ENZI (for himself, Mr. KENNEDY, Mr. SARBANES, Ms. SNOWE, Mr. JEFFORDS, Mr. FRIST, Mrs. CLINTON, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas Constantino Brumidi was born in Rome, Italy, on July 26, 1805, to an Italian mother and a Greek father who inspired his lifelong love of liberty and freedom of expression;

Whereas Constantino Brumidi emigrated to the United States from Rome in 1852 and became a naturalized citizen in 1857;

Whereas Constantino Brumidi established a reputation for excellence in his craft that led to him being known as the ''Michelangelo of the Capitol'';

Whereas Constantino Brumidi represents the many immigrant artists and craftsmen who have contributed over the years to the design and decoration of the United States Capitol;

Whereas Constantino Brumidi painted murals and other outstanding artworks in the United States Capitol over the last third of his life, between 1855 and 1880, including the first fresco painted in the United States, in what is today the House Appropriations Committee Room, the famous ''Brumidi Corridor'' on the Senate side of the Capitol, and the paintings in the President's Room (S–216);

Whereas Constantino Brumidi painted ''The Apotheosis of George Washington'' and began the frieze of American history on the interior of the dome above the Rotunda at the center of the United States Capitol, but died while working on sketches for the frieze;

Whereas Constantino Brumidi succeeded in his effort to encourage the use of the Capitol as a living testament to the past, present, and glorious future of the United States of America with his artwork, especially with his murals; and

Whereas Constantino Brumidi's celebration of the liberty he found in America can be seen in his signature on his painting that he was an Artist Citizen of the United States and in his statement on being hired for his first Capitol commission that, ''I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.'' :Now, therefore, be it

Resolved, That the Senate, on behalf of the American people, honors the life and legacy of Constantino Brumidi, artist and patriot, and recognizes his many contributions to the world of art as well as the legacy of the United States as reflected in the building that houses Congress, the United States Capitol Building.

SENATE RESOLUTION 206—DESIGNATING AUGUST 2005 AS ''PSORIASIS AWARENESS MONTH''

Mr. SMITH (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 206

Whereas psoriasis and psoriatic arthritis are chronic, immune-mediated diseases for which there is no cure;

Whereas more than 5,000,000 men, women, and children in the United States have been diagnosed with either psoriasis or psoriatic arthritis;

Whereas psoriasis and psoriatic arthritis are painful and disabling diseases that have a significant and adverse impact on the quality of life of an individual diagnosed with either of these diseases;

Whereas the National Institute of Mental Health funded a study that found that psoriasis may cause as much physical and mental disability as other major diseases, including cancer, arthritis, hypertension, heart disease, diabetes, and depression;

Whereas psoriasis is associated with elevated rates of depression and suicidal ideation;

Whereas each year the people of the United States spend more than $4,000,000,000 to treat psoriasis;

Whereas early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage; and

Whereas treating psoriasis and psoriatic arthritis presents a challenge for patients and physicians because no 1 treatment works for everyone, some treatments lose effectiveness over time, many treatments are used in combination with other treatments, and all treatments may cause a unique set of side effects: Now, therefore, be it

Resolved, That the Senate designates August 2005 as ''Psoriasis Awareness Month''.

Mr. President, I am pleased to join the junior Senator from Oregon in submitting a resolution designating August 2005 as Psoriasis Awareness Month. This awareness month will increase public knowledge about psoriasis and aid in efforts in the medical community to diagnose, treat, and eventually cure the disease.

Psoriasis is a non-contagious, immune-mediated, lifelong skin disorder. The source of psoriasis is believed to have a genetic component which triggers a faster growth cycle of skin cells that results in buildup; however, the exact cause is unknown. The severity of psoriasis can vary from person to person. For most people, the disease appears as raised, red patches or lesions covered with a silvery white buildup of dead skin cells, called scale.

Psoriatic arthritis is a condition associated with psoriasis. This disease is a chronic inflammatory disease of the joints and connective tissue, which causes stiffness, pain, swelling and tenderness of the joints and the tissue around them. Without treatment, psoriatic arthritis can be potentially disabling and crippling. Approximately 10 to 30 percent of people with psoriasis develop psoriatic arthritis.

Psoriasis and psoriatic arthritis have been diagnosed in more than 5 million men, women and children in the United States. Each year, the United States spends $4 billion dollars to treat this lifelong disease. Furthermore, about 56 million hours of work are lost each year by people who suffer from psoriasis, and the National Institute of Mental Health has found that psoriasis can cause as much physical and mental disability as other major diseases.

Researchers are still searching for a cure for psoriasis. In the meantime, we must continue to support such efforts and raise public awareness of the symptoms and available treatments for psoriasis and psoriatic arthritis. I hope that my colleagues will join me in this effort.

SENATE CONCURRENT RESOLUTION 45—SUPPORTING THE GOALS AND IDEALS OF NATIONAL LIFE INSURANCE AWARENESS MONTH, AND FOR OTHER PURPOSES

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, and Mr. JOHNSON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 45

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members to meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in three-fourths of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;

Whereas individuals, families, and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2005 as ''Life Insurance Awareness Month'', the goal of which is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the goals and ideals of Life Insurance Awareness Month; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 46—EXPRESSING THE SENSE OF THE CONGRESS THAT THE RUSSIAN FEDERATION SHOULD FULLY PROTECT THE FREEDOMS OF ALL RELIGIOUS COMMUNITIES WITHOUT DISTINCTION, WHETHER REGISTERED AND UNREGISTERED, AS STIPULATED BY THE RUSSIAN CONSTITUTION AND INTERNATIONAL STANDARDS

Mr. BROWNBACK (for himself and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Whereas the Russian Federation is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has freely committed to fully respect the rights of individuals, whether alone or in community with others, to profess and practice religion or belief;

Whereas the Russian Federation specifically committed in the 1989 Vienna Concluding Document to ''take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief'' and to ''grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries'';

Whereas Article 28 of the Constitution of the Russian Federation declares that ''everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion'' and Article 8 of the 1997 Law on Freedom of Conscience and Religious Associations provides for registration for religious communities as ''religious organizations,'' if they have at least 10 members and have operated within the Russian Federation with legal status for at least 15 years;

Whereas registration is critical for religious groups to fully enjoy their religious freedoms, as many rights and privileges afforded to religious communities in the Russian Federation are contingent on obtaining registration;

Whereas many religious groups refuse to seek registration on theological or other grounds, while other communities have been unjustly denied registration or had their registration improperly terminated by local authorities;

Whereas many of the unregistered communities in the Russian Federation today were never registered under the Soviet system because they refused to collaborate with that

government's anti-religious policies and they are now experiencing renewed discrimination and repression from the authorities;

Whereas over the past 2 years there have been an estimated 10 arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice;

Whereas in some areas of the Russian Federation law enforcement personnel have carried out violent actions against believers from unregistered communities peacefully practicing their faith; and

Whereas the United States has sought to protect the fundamental and inalienable human right to seek, know, and serve God according to the dictates of one's own conscience, in accordance with the international agreements committing nations to respect individual freedom of thought, conscience, and belief: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States Government should—

(1) urge the Government of the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered and unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies;

(2) urge the Government of the Russian Federation to ensure that law enforcement officials vigorously investigate acts of violence against unregistered religious communities, as well as make certain that authorities are not complicit in such attacks;

(3) continue to raise concerns with the Government of the Russian Federation over violations of religious freedom, including those against unregistered religious communities, especially indigenous denominations not well known in the United States;

(4) ensure that United States Embassy officials engage local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and undertake outreach activities to educate local officials about the rights of unregistered religious communities;

(5) urge both the Personal Representative of the OSCE Chair-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, and the United Nations Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation and raise with federal and local officials concerns about the free practice of unregistered religious communities; and

(6) urge the Council of Europe and its member countries to raise with Russian Federation officials issues relating to freedom of religion, especially in light of the Russian Federation's responsibilities as President of the Council in 2006.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1413. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1414. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1415. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr KERRY, Mr. FEINGOLD, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, supra.

SA 1416. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1417. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1418. Mr. ALLARD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 1042, supra.

SA 1419. Mr. ALLARD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 1420. Mr. SMITH (for himself, Mr. WYDEN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1421. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1422. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1423. Mr. SALAZAR (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1424. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1425. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1426. Mr. DORGAN proposed an amendment to the bill S. 1042, supra.

SA 1427. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1428. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1429. Mr. DORGAN (for himself, Mr. DURBIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, supra.

SA 1430. Mr. WARNER (for Mr. NELSON, of Nebraska) proposed an amendment to the bill S. 1042, supra.

SA 1431. Mr. WARNER (for Mr. SESSIONS (for himself and Mr. REED)) proposed an amendment to the bill S. 1042, supra.

SA 1432. Mr. WARNER (for Mr. ENZI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1042, supra.

SA 1433. Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr REED, Mr. NELSON, of Florida, Mr. SALAZAR, Mr KERRY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1434. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1435. Ms. STABENOW (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1436. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1437. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1438. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1413. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. EXCLUSION OF SPECIAL PAY AND ALLOWANCES FROM INCOME FOR SUPPLEMENT SECURITY INCOME BENEFITS.

(a) IN GENERAL.—Paragraph (20) of section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended to read as follows:

''(20) special pay receive pursuant to chapter 5 of title 37, United States Code, and allowances received pursuant to chapter 7 of title 37, United States Code;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to eligibility determinations made and benefit amounts payable after the date of the enactment of this Act.

SA 1414. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) IN GENERAL.—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment for Department of Defense applications.

(b) TREATMENT OF PROCUREMENTS WITHIN PERIOD.—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

SA 1415. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. TRANSFER OF FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR TO THE ARMY NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) REDUCTION IN FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR.—The amount authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities by section 3101(a)(1) is hereby reduced by $4,000,000, which reduction shall be allocated to amounts available for the Robust Nuclear Earth Penetrator.

(b) INCREASE IN FUNDS AVAILABLE TO ARMY NATIONAL GUARD, WASHINGTON, DISTRICT OF COLUMBIA, CHAPTER.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by $4,000,000, with the amount of such increase to be available for the Army National Guard of the District of Columbia, as follows:

(1) $2,500,000 shall be made available for urban terrorist attack response training.

(2) $1,500,000 shall be made available for the procurement of communications equipment.

SA 1416. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) IN GENERAL.—The Secretary concerned shall prescribe a policy for the recruitment and enlistment of home schooled students in the Armed Force or Armed Forces under the jurisdiction of such Secretary.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary of Defense shall ensure that the polices prescribed under paragraph (1) apply, to the extent practicable, uniformly across the Armed Forces.

(b) ELEMENTS.—The policy under subsection (a) shall include the following:

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with Tier I status with no practical limit with regard to enlistment.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or its recognized equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In identifying a graduate of home schooling for purposes of subsection (b), the Secretary concerned shall ensure that the graduate meets each of the following requirements:

(1) The home school graduate has taken the Armed Forces Qualifying Test (AFQT) and scored 50 or above.

(2) The home school graduate has provided the Secretary concerned with—

(A) a signed home school notice of intent form that conforms with the State law of the State where the graduate resided when the graduate was in home school; or

(B) a home school certificate or diploma from—

(i) the parent or guardian of the graduate; or

(ii) a national curriculum provider.

(3) The home school graduate has provided the Secretary concerned with a copy of the graduate's transcript for all secondary school grades completed, which transcript shall—

(A) include the enrollment date, graduation date, and type of curriculum; and

(B) reflect successful completion of the last full academic year of schooling from the home school national curriculum provider, parent, or guardian issuing the home school certificate or diploma.

(4) The home school curriculum used by the home school graduate involved parental instruction and supervision and closely patterned the normal credit hours per subject as used in a traditional secondary school.

(5) The home school graduate has provided the Secretary concerned with a third party verification letter of the graduate's home school status by the Home School Legal Defense Association or a State or county home school association or organization.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given such term in section 101(a)(9) of title 10, United States Code.

SA 1417. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. EMERGENCY ACCESS TO BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND OTHER INVESTIGATIONS.

(a) EMERGENCY ACCESS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) Notwithstanding any other provision of this section, when the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the production of tangible things for an investigation described in subsection (a) before an order authorizing production of such tangible things can with due diligence be obtained; and

''(B) the factual basis for the issuance of an order under this section to approve production of such tangible things exists,

the Attorney General may issue an order requiring production of such tangible things, which order shall have the same effect as an order issued by the court established by section 103(a) if a judge having jurisdiction under section 103 is informed by the Attorney General, or a designee of the Attorney General, at the time of the issuance of such order that the Attorney General has made the decision to require production of such tangible things under this subsection and an application in accordance with this section is made to that judge as soon as practicable, but not later than 72 hours, thereafter.

''(2) In the event that an application under paragraph (1) is denied, or in any other case where no order is issued by the court established by section 103(a) approving access to tangible things, no information obtained or evidence derived from the production of tangible things under paragraph (1) shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from the production of tangible things under paragraph (1) shall subsequently be used or disclosed in any other manner by any officer or employee of the Federal Government without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(3) The denial of an application under paragraph (1) may be reviewed as provided in section 103.''.

(b) CONSTRUCTION OF PROVISIONS OF ACT.—No provision of this Act may be construed to authorize the Federal Bureau of Investigation to utilize administrative subpoenas for foreign intelligence or national security investigations.

SA 1418. Mr. ALLARD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 66, after line 22, insert the following:

SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

SA 1419. Mr. ALLARD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this

section referred to as the ''Site''), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) ELIGIBILITY FOR BENEFITS.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) DEFINITIONS.—In this section:

(1) HEALTH, MEDICAL, AND LIFE INSURANCE BENEFITS.—The term ''health, medical, and life insurance benefits'' means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) PHYSICAL COMPLETION DATE.—The term ''physical completion date'' means the date the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term ''plan sponsorship and program management of post-project completion retirement benefits'' means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, $15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

SA 1420. Mr. SMITH (for himself, Mr. WYDEN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORIZATION FOR NO-COST SECURE IDENTITY CONTRACTS.

(a) IN GENERAL.—Notwithstanding sections 1342 and 3302 of title 31, United States Code, the Department of Defense is authorized to execute no-cost contracts for vendor secure identity programs such as the Fast Access program, and other similar secure identity programs.

(b) APPLICATION.—This section shall apply to existing and future no-cost contracts for secure identity programs.

SA 1421. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479 (1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—

(1) Such subchapter is further amended by striking **''Death gratuity:''** each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting **''Fallen hero compensation:''.**

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SA 1422. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title V, insert the following:

SEC. 585. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2), (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act for fiscal year 2005 from a local educational agency that—

(1) for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year; and

(2) submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SA 1423. Mr. SALAZAR (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

''(A) held in the United States or any of its territories or commonwealths;

''(B) governed by the International Paralympic Committee; and

''(C) sanctioned by the United States Olympic Committee.''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' before ''The Secretary''; and

(B) by adding at the end the following new paragraph:

''(2) Not more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).''.

SA 1424. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

SA 1425. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. AMERICAN FORCES NETWORK.

(a) MISSION.—The American Forces Network (AFN) shall provide members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed outside the continental United States and at sea with the same type and quality of American radio and television news, information, sports, and entertainment as is available in the continental United States.

(b) POLITICAL PROGRAMMING.—

(1) FAIRNESS AND BALANCE.—All political programming of the American Forces Network shall be characterized by its fairness and balance.

(2) FREE FLOW OF PROGRAMMING.—The American Forces Network shall provide in its programming a free flow of political programming from United States commercial and public radio and television stations.

(c) OMBUDSMAN OF THE AMERICAN FORCES NETWORK.—

(1) ESTABLISHMENT.—There is hereby established the Office of the Ombudsman of the American Forces Network.

(2) HEAD OF OFFICE.—

(A) OMBUDSMAN.—The head of the Office of the Ombudsman of the American Forces Network shall be the Ombudsman of the American Forces Network (in this subsection referred to as the ''Ombudsman''), who shall be appointed by the Secretary of Defense.

(B) QUALIFICATIONS.—Any individual nominated for appointment to the position of Ombudsman shall have recognized expertise in the field of mass communications, print media, or broadcast media.

(C) PART-TIME STATUS.—The position of Ombudsman shall be a part-time position.

(D) TERM.—The term of office of the Ombudsman shall be five years.

(E) REMOVAL.—The Ombudsman may be removed from office by the Secretary only for malfeasance.

(3) DUTIES.—

(A) IN GENERAL.—The Ombudsman shall ensure that the American Forces Network adheres to the standards and practices of the Network in its programming.

(B) PARTICULAR DUTIES.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman shall—

(i) initiate and conduct, with such frequency as the Ombudsman considers appropriate, reviews of the integrity, fairness, and balance of the programming of the American Forces Network;

(ii) initiate and conduct, upon the request of Congress or members of the audience of the American Forces Network, reviews of the programming of the Network;

(iii) identify, pursuant to reviews under clause (i) or (ii) or otherwise, circumstances in which the American Forces Network has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance; and

(iv) make recommendations to the American Forces Network on means of correcting the lack of adherence identified pursuant to clause (iii).

(C) LIMITATION.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman may not engage in any pre-broadcast censorship or pre-broadcast review of the programming of the American Forces Network.

(4) RESOURCES.—The Secretary of Defense shall provide the Office of the Ombudsman of the American Forces Network such personnel and other resources as the Secretary and the Ombudsman jointly determine appropriate to permit the Ombudsman to carry out the duties of the Ombudsman under paragraph (3).

(5) INDEPENDENCE.—The Secretary shall take appropriate actions to ensure the complete independence of the Ombudsman and the Office of the Ombudsman of the American Forces Network within the Department of Defense.

(6) ANNUAL REPORTS.—

(A) IN GENERAL.—The Ombudsman shall submit to the Secretary of Defense and the congressional defense committees each year a report on the activities of the Office of the Ombudsman of the American Forces Network during the preceding year.

(B) AVAILABILITY TO PUBLIC.—The Ombudsman shall make available to the public each report submitted under subparagraph (A) through the Internet website of the Office of the Ombudsman of the American Forces Network and by such other means as the Ombudsman considers appropriate.

SA 1426. Mr. DORGAN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. SENSE OF SENATE ON DECLASSIFICATION OF PORTIONS OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the hijackers involved in the September 11, 2001, terrorist attacks while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the September 11, 2001, terrorist attacks.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing content entirely.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should declassify the 28-page section of the Joint Inquiry into The Terrorist Attacks of September 11, 2001, that deals with foreign sources of support for the hijackers involved in the September 11, 2001, terrorist attacks; and

(2) only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

SA 1427. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, between lines 13 and 14, insert the following:

SEC. 1034. SENSE OF THE SENATE ON FUNDING FOR COUNTER-DRUG TETHERED AEROSTAT SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the Department of State, drug trafficking organizations shipped approximately 9 tons of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions, and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The range and operational capabilities of the aerostat system allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress and the Department of Defense should fully fund the Counter-Drug Tethered Aerostat program; and

(2) Congress and the Department of Defense should install maritime radar on the Lajas, Puerto Rico, aerostat system.

SA 1428. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. ADMINISTRATIVE AND OPERATIONS STRUCTURES, SCOTT AIR FORCE BASE, ILLINOIS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may enter into agreements with St. Clair County, Illinois, for the joint construction and use of administrative and operations facilities at Scott Air Force Base, Illinois.

(b) LIMITATIONS.—

(1) TOTAL COST.—The total cost of agreements entered into under subsection (a) may not exceed $60,000,000.

(2) LEASE PAYMENTS.—All payments made by the Air Force under leases entered into under subsection (a) shall be made out of funds available for the Air Force for operation and maintenance.

(3) TERMS OF LEASES.—Any lease agreement entered into under subsection (a)—

(A) shall provide for the lease of such administrative or operations facilities for a period not to exceed 30 years; and

(B) shall provide that, upon termination of the lease, all right, title, and interest in the facilities shall, at the option of the Secretary, be conveyed to the United States.

SA 1429. Mr. DORGAN (for himself, Mr. DURBIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ___—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. ___02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. ___03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. ___04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ___05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ___06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and

shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ___03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ___03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ___08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. ___09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. ___10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 1430. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting '', or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of defense)''.

SA 1431. Mr. WARNER (for Mr. SESSIONS (for himself and Mr. REED)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1106. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

SA 1432. Mr. WARNER (for Mr. ENZI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. EXTENSION OF EFFECTIVE DATE.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

SA 1433. Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. REED, Mr. NELSON of Florida, Mr. SALAZAR, Mr. KERRY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 403. INCREASE IN END-STRENGTH FOR THE ARMY.

Section 691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Notwithstanding subsection (b)(1), the authorization for the number of members of the Army at the end of each fiscal year as follows shall be not less than the number specified for such fiscal year:

''(1) Fiscal year 2006, 522,400.

''(2) Fiscal year 2007, 542,400.

''(3) Fiscal year 2008, 562,400.

''(4) Fiscal year 2009, 582,400.

''(5) Any fiscal year after fiscal year 2009, 582,400.''.

SA 1434. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 114. UH–60 BLACK HAWK HELICOPTER PROCUREMENT IN RESPONSE TO ATTRITION.

(a) INCREASE IN AMOUNT.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for the procurement UH–60 Black Hawk helicopters in response to attrition is hereby increased to $40,600,000, with the amount to be used to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters.

(b) OFFSET.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for UH–60 Black Hawk helicopter medevac kits is hereby reduced to $29,700,000, with the amount to be derived in a reduction in the number of such kits from 10 kits to 6 kits.

SA 1435. Ms. STABENOW (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) FUNDING TO ADDRESS CHANGES IN POPULATIONS AND INFLATION.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 320. Funding for veterans health care to address changes in population and inflation

''(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2005 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c). While this section does not purport to control the outcome of the annual appropriations process, it anticipates cooperation from Congress and the President in sustaining discretionary funding for such programs, functions, and activities in future fiscal years at the level of discretionary funding for such programs, functions, and activities for fiscal year 2005. The success of that arrangement, as well as of the funding formula, are to be reviewed after 2 years.

''(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

''(c)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

''(A) 130 percent of the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d), minus

''(B) the amount appropriated for those purposes for fiscal year 2004.

''(2) The amount applicable to any fiscal year after fiscal year 2006 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2005:

''(A) The sum of—

''(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

''(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

''(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

''(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

''(i) the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2004.

''(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

''(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

''(d)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts made available pursuant to subsection (b) are not available for—

''(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

''(B) grants under subchapter III of chapter 81 of this title.

''(e) Nothing in this section shall be construed to prevent or limit the authority of Congress to reauthorize provisions relating to veterans health care.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Funding for veterans health care to address changes in population and inflation.''.

(b) COMPTROLLER GENERAL REPORT.—(1) Not later than January 31, 2008, the Comptroller General of the United States shall submit to Congress a report on the extent to which section 320 of title 38, United States Code (as added by subsection (a)), has achieved the purpose set forth in subsection (a) of such section 320 during fiscal years 2006 and 2007.

(2) The report under paragraph (1) shall set forth the following:

(A) The amount appropriated for fiscal year 2005 for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) of section 320 of title 38, United States Code.

(B) The amount appropriated by annual appropriations Acts for each of fiscal years 2006 and 2007 for such programs, functions, and activities.

(C) The amount provided by section 320 of title 38, United States Code, for each of fiscal years 2006 and 2007 for such programs, functions, and activities.

(D) An assessment whether the amount described in subparagraph (C) for each of fiscal years 2006 and 2007 was appropriate to address the changes in costs to the Veterans Health Administration for such programs, functions, and activities that were attributable to changes in population and in inflation over the course of such fiscal years.

(E) An assessment whether the amount provided by section 320 of title 38, United States Code, in each of fiscal years 2006 and 2007, when combined with amounts appropriated by annual appropriations Acts for each of such fiscal years for such programs, functions, and activities, provided adequate funding of such programs, functions, and activities in each such fiscal year.

(F) Such recommendations as the Comptroller General considers appropriate regarding modifications of the formula under subsection (c) of section 320 of title 38, United States Code, or any other modifications of law, to better ensure adequate funding of such programs, functions, and activities.

(c) CONGRESSIONAL CONSIDERATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

(1) JOINT RESOLUTION.—or purposes of this subsection, the term ''joint resolution'' means only a joint resolution which is introduced (in the House of Representatives by the Speaker of the House of Representatives (or the Speaker's designee) or the Minority Leader (or the Minority Leader's designee) and in the Senate by the Majority Leader (or the Majority Leader's designee) or the Minority Leader (or the Minority Leader's designee)) within the 10-day period beginning on the date on which Congress receives the report of the Comptroller General of the United States under subsection (b), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which consists of amendments of title 38, United States Code, or other amendments or modifications of laws under the jurisdiction of the Secretary of Veterans Affairs to implement the recommendations of the Comptroller General in the report under subsection (b)(2)(F); and

(C) the title of which is as follows: ''Joint resolution to ensure adequate funding of health care for veterans.''.

(2) REFERRAL.—resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Comptroller General submits to Congress the report under subsection (b), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) RULES OF SENATE AND HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 1436. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIII, add the following:

SEC. 2305. PROHIBITION ON USE OF FUNDS FOR MILITARY CONSTRUCTION PROJECT AT KARSHI-KHANABAD AIR BASE, UZBEKISTAN.

No funds authorized to be appropriated by this Act, and no funds appropriated by an Act enacted before the date of the enactment of this Act that remain available for obligation as of that date, may be obligated or expended for a military construction project to extend, repair, or both the runways and taxiways at Karshi-Khanabad air base, Uzbekistan.

SA 1437. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a

bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

SA 1438. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. REDESIGNATION OF THE NAVAL RESERVE AS THE NAVY RESERVE.

(a) REDESIGNATION OF RESERVE COMPONENT.—The reserve component of the Armed Forces known as the Naval Reserve is redesignated as the Navy Reserve.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 10, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(A) Section 513(a).
(B) Section 516.
(C) Section 526(b)(2)(C)(i).
(D) Section 971(a).
(E) Section 5001(a)(1).
(F) Section 5143.
(G) Section 5596(c).
(H) Section 6323(f).
(I) Section 6327.
(J) Section 6330(b).
(K) Section 6331(a)(2).
(L) Section 6336.
(M) Section 6389.
(N) Section 6911(c)(1).
(O) Section 6913(a).
(P) Section 6915.
(Q) Section 6954(b)(3).
(R) Section 6956(a)(2).
(S) Section 6959.
(T) Section 7225.
(U) Section 7226.
(V) Section 7605(1).
(W) Section 7852.
(X) Section 7853.
(Y) Section 7854.
(Z) Section 10101(3).
(AA) Section 10108.
(BB) Section 10172.
(CC) Section 10301(a)(7).
(DD) Section 10303.
(EE) Section 12004(e)(2).
(FF) Section 12005.
(GG) Section 12010.
(HH) Section 12011(a)(2).
(II) Section 12012(a).
(JJ) Section 12103.
(KK) Section 12205.
(LL) Section 12207(b)(2).
(MM) Section 12732.
(NN) Section 12774(b) (other than the first place it appears).
(OO) Section 14002(b).
(PP) Section 14101(a)(1).
(QQ) Section 14107(d).
(RR) Section 14302(a)(1)(A).
(SS) Section 14313(b).
(TT) Section 14501(a).
(UU) Section 14512(b).
(VV) Section 14705(a).
(WW) Section 16201(d)(1)(B)(ii).

(2) CAPTION AMENDMENTS.—Such title is further amended by striking ''NAVAL RESERVE'' each place it appears in a provision as follows and inserting ''NAVY RESERVE'':

(A) Section 971(a).
(B) Section 5143(a).

(3) SECTION HEADING AMENDMENTS.—(A) The heading of section 5143 of such title is amended to read as follows:

''§ 5143. Office of Navy Reserve: appointment of Chief''.

(B) The heading of section 6327 of such title is amended to read as follows:

''§ 6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay''.

(C) The heading of section 6389 of such title is amended to read as follows:

''§ 6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service''.

(D) The heading of section 7225 of such title is amended to read as follows:

''§ 7225. Navy Reserve flag''.

(E) The heading of section 7226 of such title is amended to read as follows:

''§ 7226. Navy Reserve yacht pennant''.

(F) The heading of section 10108 of such title is amended to read as follows:

''§ 10108. Navy Reserve: administration''.

(G) The heading of section 10172 of such title is amended to read as follows:

''§ 10172. Navy Reserve Force''.

(H) The heading of section 10303 of such title is amended to read as follows:

''§ 10303. Navy Reserve Policy Board''.

(I) The heading of section 12010 of such title is amended to read as follows:

''§ 12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result''.

(J) The heading of section 14306 of such title is amended to read as follows:

''§ 14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system''.

(4) TABLES OF CONTENTS AMENDMENTS.—(A) The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5143 and inserting the following new item:

''5143. Office of Navy Reserve: appointment of Chief.''.

(B) The table of sections at the beginning of chapter 571 of such title is amended by striking the item relating to section 6327 and inserting the following new item:

''6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.''.

(C) The table of sections at the beginning of chapter 573 of such title is amended by striking the item relating to section 6389 and inserting the following new item:

''6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.''.

(D) The table of sections at the beginning of chapter 631 of such title is amended by striking the items relating to sections 7225 and 7226 and inserting the following new items:

''7225. Navy Reserve flag.
''7226. Navy Reserve yacht pennant.''.

(E) The table of sections at the beginning of chapter 1003 of such title is amended by striking the item relating to section 10108 and inserting the following new item:

''10108. Navy Reserve: administration.''.

(F) The table of sections at the beginning of chapter 1006 of such title is amended by striking the item relating to section 10172 and inserting the following new item:

''10172. Navy Reserve Force.''.

(G) The table of sections at the beginning of chapter 1009 of such title is amended by striking the item relating to section 10303 and inserting the following new item:

''10303. Navy Reserve Policy Board.''.

(H) The table of sections at the beginning of chapter 1201 of such title is amended by striking the item relating to section 12010 and inserting the following new item:

''12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result.''.

(I) The table of sections at the beginning of chapter 1405 of such title is amended by striking the item relating to section 14306 and inserting the following new item:

''14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system.''.

(c) CONFORMING AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 705 of title 14, United States Code, is amended by striking ''Naval Reserve'' each place it appears and inserting ''Navy Reserve''.

(d) CONFORMING AMENDMENTS TO TITLE 37, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 37, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(A) Section 101(24)(C).
(B) Section 201(d).
(C) Section 205(a)(2)(I).
(D) Section 301c(d).
(E) Section 319(a).
(F) Section 905.

(2) CAPTION AMENDMENT.—Section 301c(d) of such title is further amended by striking ''NAVAL RESERVE'' and inserting ''NAVY RESERVE''.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(1) Section 101(27)(B).
(2) Section 3002(6)(C).
(3) Section 3202(1)(C)(iii).
(4) Section 3452(a)(3)(C).

(f) CONFORMING AMENDMENTS TO OTHER CODIFIED TITLES.—

(1) TITLE 5, UNITED STATES CODE.—Section 2108(1)(B) of title 5, United States Code, is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(2) TITLE 18, UNITED STATES CODE.—Section 2387(b) of title 18, United States Code, is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(3) TITLE 46, UNITED STATES CODE.—(A) Title 46, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(i) Section 8103(g).
(ii) Section 8302(g).

(B) The heading of section 8103 of such title is amended to read as follows:

''§ 8103. Citizenship and Navy Reserve requirements''.

(C) The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 8103 and inserting the following new item:

''8103. Citizenship and Navy Reserve requirements.''.

(g) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) Section 2301(4)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(4)(C)) is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(2)(A) The Merchant Marine Act, 1936 is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(i) Section 301(b) (46 U.S.C. App. 1131(b)).
(ii) Section 1303 (46 U.S.C. App. 1295b).
(iii) Section 1304 (46 U.S.C. App. 1295c).

(B) Such Act is further amended by striking ''NAVAL RESERVE'' each place it appears in a provision as follows and inserting ''NAVY RESERVE'':

(i) Section 1303(c).
(ii) 1304(h).

(3)(A) Section 6(a)(1) of the Military Selective Service Act (50 U.S.C. App. 456(a)(1)) is amended by striking ''United States Naval Reserves'' and inserting ''members of the United States Navy Reserve''.

(B) Section 16(i) of such Act (50 U.S.C. App. 466(i)) is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(h) OTHER REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Naval Reserve, other than a reference to the Naval Reserve regarding the United States Naval Reserve Retired List, shall be considered to be a reference to the Navy Reserve.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 22, 2005, at 10 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's executive calendar: Calendar Nos. 185, 186, 187, 214, 215, 216, 217, 218, 223, 224, 225, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

John J. Sullivan, of Maryland, to be General Counsel of the Department of Commerce.

William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

NATIONAL SCIENCE FOUNDATION

Kathie L. Olsen, of Oregon, to be Deputy Director of the National Science Foundation.

DEPARTMENT OF THE INTERIOR

Mark A. Limbaugh, of Idaho, to be an Assistant Secretary of the Interior.

FEDERAL MARITIME COMMISSION

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for a term expiring June 30, 2010. (Reappointment)

DEPARTMENT OF HOMELAND SECURITY

Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

GENERAL SERVICES ADMINISTRATION

Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN706 COAST GUARD nomination of Melissa Diaz, which was received by the Senate and appeared in the Congressional Record of July 12, 2005.

PN707 COAST GUARD nomination of Royce W. James, which was received by the Senate and appeared in the Congressional Record of July 12, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

HONORING THE LIFE AND LEGACY OF CONSTANTINO BRUMIDI

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 205, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) honoring the life and legacy of Constantino Brumidi and recognizing his contributions to the United States on the 200th anniversary of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas Constantino Brumidi was born in Rome, Italy, on July 26, 1805, to an Italian mother and a Greek father who inspired his lifelong love of liberty and freedom of expression;

Whereas Constantino Brumidi emigrated to the United States from Rome in 1852 and became a naturalized citizen in 1857;

Whereas Constantino Brumidi established a reputation for excellence in his craft that led to him being known as the ''Michelangelo of the Capitol'';

Whereas Constantino Brumidi represents the many immigrant artists and craftsmen who have contributed over the years to the design and decoration of the United States Capitol;

Whereas Constantino Brumidi painted murals and other outstanding artworks in the United States Capitol over the last third of his life, between 1855 and 1880, including the first fresco painted in the United States, in what is today the House Appropriations Committee Room, the famous ''Brumidi Corridor'' on the Senate side of the Capitol, and the paintings in the President's Room (S–216);

Whereas Constantino Brumidi painted ''The Apotheosis of George Washington'' and began the frieze of American history on the interior of the dome above the Rotunda at the center of the United States Capitol, but died while working on sketches for the frieze;

Whereas Constantino Brumidi succeeded in his effort to encourage the use of the Capitol as a living testament to the past, present, and glorious future of the United States of America with his artwork, especially with his murals; and

Whereas Constantino Brumidi's celebration of the liberty he found in America can be seen in his signature on his painting that he was an Artist Citizen of the United States and in his statement on being hired for his first Capitol commission that, ''I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.'': Now, therefore, be it

Resolved, That the Senate, on behalf of the American people, honors the life and legacy of Constantino Brumidi, artist and patriot, and recognizes his many contributions to the world of art as well as the legacy of the United States as reflected in the building that houses Congress, the United States Capitol Building.

UNANIMOUS CONSENT AGREEMENT—COMMEMORATING ENACTMENT OF AMERICANS WITH DISABILITIES ACT

Mr. WARNER. Mr. President, I ask unanimous consent that at 1 p.m. on Monday, July 25, the Senate proceed to the immediate consideration of a resolution commemorating the 15th anniversary of the Americans with Disabilities Act, the text of which is at the desk. I further ask that there be no amendments in order to the preamble or resolution, and that there be 1 hour of debate as follows: 30 minutes at 1 p.m. on Monday and 30 minutes at 5 p.m. on Monday, all equally divided between the majority leader or his designee and Senator HARKIN or his designee. I further ask unanimous consent that upon the use or yielding back of time, the Senate proceed to a vote on the resolution, at the conclusion of which the preamble be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 25, 2005

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, July 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the immediate consideration of the Senate resolution commemorating the enactment of the Americans with Disabilities Act, as under the previous order. I further ask unanimous consent that upon the use or yielding back of the first 30 minutes of debate on the ADA resolution, the Senate resume consideration of S. 1042, the Defense authorization bill; provided further, that Senators on Monday have until 2 p.m. in order to file timely first-degree amendments to the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, on Monday, the Senate will consider a resolution marking the anniversary of the Americans with Disabilities Act, and a vote on the resolution has been ordered for 5:30 p.m. At approximately 1:30 p.m. on Monday, the Senate will resume consideration of the Defense authorization bill. Again, our next vote will occur at approximately 5:30 p.m. on Monday. It is my expectation that we will be voting in relation to one or more amendments to the Defense authorization bill following the vote on the ADA resolution, so Senators should be prepared for stacked votes beginning at 5:30 on Monday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

AMENDMENT NO. 1342, AS MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that following the two stacked votes on Tuesday, the Senate proceed immediately to a vote in relation to Frist amendment No. 1342, as now modified, with the changes that are at the desk; provided further that no second degrees be in order to the above amendment prior to the vote and notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1342), as modified, is as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convictedof a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JULY 25, 2005

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, and I thank the Presiding Officer for his courtesy.

There being no objection, the Senate, at 2:10 p.m., adjourned until Monday, July 25, 2005, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 2005:

SECURITIES AND EXCHANGE COMMISSION

ROEL C. CAMPOS, OF TEXAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2010. (REAPPOINTMENT)

ANNETTE L. NAZARETH, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2007, VICE WILLIAM H. DONALDSON.

FEDERAL DEPOSIT INSURANCE CORPORATION

MARTIN J. GRUENBERG, OF MARYLAND, TO BE VICE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION, VICE JOHN M. REICH.

MARTIN J. GRUENBERG, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 27, 2006, VICE JOHN M. REICH.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate Friday, July 22, 2005:

DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE.

JOHN J. SULLIVAN, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

WILLIAM ALAN JEFFREY, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

NATIONAL SCIENCE FOUNDATION

KATHIE L. OLSEN, OF OREGON, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

DEPARTMENT OF THE INTERIOR

MARK A. LIMBAUGH, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2010.

DEPARTMENT OF HOMELAND SECURITY

EDMUND S. HAWLEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

GENERAL SERVICES ADMINISTRATION

BRIAN DAVID MILLER, OF VIRGINIA, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUZANNE C. DEFRANCIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

ALEX AZAR II, OF MARYLAND, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

CHARLES E. JOHNSON, OF UTAH, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

IN THE COAST GUARD

COAST GUARD NOMINATION OF MELISSA DIAZ TO BE LIEUTENANT.

COAST GUARD NOMINATION OF ROYCE W. JAMES TO BE LIEUTENANT.